

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1953**

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**ENROLLED**

**SENATE BILL NO. 22**

(By Mr. Love.....)

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PASSED February 17..... 1953

In Effect twenty days from..... Passage

Filed in the Office of the Secretary of State  
of West Virginia FEB 20 1953  
**D. PITT O'BRIEN,**  
SECRETARY OF STATE

**ENROLLED**  
**Senate Bill No. 22**  
(By MR. LOVE)

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[Passed February 17, 1953; in effect ninety days from passage.]

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AN ACT to amend and reenact section five, article nine, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, relating to the statutory form of indictment for abortion.

*Be it enacted by the Legislature of West Virginia:*

That section five, article nine, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 5. *Indictment for Abortion.*—An indictment for  
2 abortion shall be sufficient if it be in form, tenor or effect  
3 as follows (after following the form in section one):  
4 That A \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_,

5 nineteen \_\_\_\_\_, in the said county of \_\_\_\_\_,  
6 did feloniously, wilfully and unlawfully administer to  
7 and cause to be taken by one B \_\_\_\_\_, a female  
8 person, who was then and there pregnant with child, a  
9 certain drug (or thing) commonly called (name the drug  
10 or thing) \_\_\_\_\_ (or the name and character of  
11 which is to the grand jurors aforesaid unknown) (or did  
12 feloniously, wilfully and unlawfully employ and use upon  
13 the body and womb of one B \_\_\_\_\_, a female  
14 person, who was then and there pregnant with child, a  
15 certain instrument called \_\_\_\_\_) (or the name and  
16 character of which instrument is to the grand jurors afore-  
17 said unknown) (or did feloniously, wilfully and unlaw-  
18 fully employ and use upon the body of one B \_\_\_\_\_  
19 \_\_\_\_\_, female person, who was then and  
20 there pregnant with child, certain means (describe the  
21 means used) (or the character and description of which  
22 are to the grand jurors aforesaid unknown), with intent  
23 then and there to destroy such unborn child of the said  
24 B \_\_\_\_\_, and to produce the abortion and  
25 miscarriage of the said B \_\_\_\_\_; and that the

26 said A \_\_\_\_\_, then and there and by the means  
27 aforesaid did feloniously, wilfully and unlawfully destroy  
28 such unborn child and produce such abortion and mis-  
29 carriage of the said B \_\_\_\_\_, the same not  
30 being then and there done by the said A \_\_\_\_\_,  
31 in good faith with the intention of saving the life of said  
32 B \_\_\_\_\_ or that of her said unborn child,  
33 against the peace and dignity of the State.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
Chairman Senate Committee

*[Signature]*  
Chairman House Committee

Originated in the Senate.

Takes effect *ninety days from* passage.

*[Signature]*  
Clerk of the Senate

*[Signature]*  
Clerk of the House of Delegates

*[Signature]*  
President of the Senate

*[Signature]*  
Speaker House of Delegates

The within *approved* this the *20<sup>th</sup>*

day of *February*, 1953.

*[Signature]*  
Governor.

