Ireland
On Suicide*

Τυναίκων λέξας πολύπονον
Οὐκ ἔσθησις ὕποκαρα ἐνιδική,
Abortions may be defined to be any birth which takes place before the time assigned for it by nature.

And in a moral point of view, it may be attributed to two sets of causes, the first of which comprehends the state of health, general and local of the female, and the circumstances under which independent of her own will, or that of others, her pregnancy may take place, and by which it may be affected. The second includes those which may be used and improved on by herself and others in order to expel the being that is.

*For obvious reasons medicine prefers this name to suicide.

**This is the definition of Valens: Eines jedes geläutet wie noch dem vom der Natur dazu angewiesen Zeit neu sich geht. Folgerung, was die Priechteres, Arzneimirschafte, p. 136.
forming in her womb. This is what is termed forcible abortion, and is more generally called criminal abortion. And before considering what has been done by legislative enactments to put a stop to such attempts, we shall take a view of the offence in its moral relations. This, though seldom necessary, in discussing the other grave and important subjects of which medical jurisprudence treats, will be useful in the present instance, as it is not very often made an object of consideration by the moralist even in his most private thoughts. As the natural consequence of such neglect men are liable to fall into error in determining the real culpability of abortion. Yet on this ground alone ought the moralist legislator to base his efforts to prevent or punish its commission. As one of the greatest jurists that ever lived has said, herest ratio summa incita in natura, quae est jure gentium facienda sunt prohibitaque contrae. Saepe est in hominum mente confirmata et confecta lex est et iures de legibus.
be considered in relation to society; seduction must be regarded as an attempt to deprive it of the accession of a new member. This may be thought by some philosophers to be a very justifiable gain, but even from their point of view the offence must remain without excuse. No one has ever dreamt of proposing such heroic means of checking an overincrease of population. Even if it were feasible, a harmful dissolution of morals would be the certain result. And whatever attempts may be made to curtail the increase of society, they cannot be directed against those who have already placed under its protection. For as soon as the germ of a new being has become to develop itself in the womb, it is exposed to injury from the criminal attempts of others, and is entitled to protection from the laws of the community, which cannot suffer either its present members to be destroyed, or those who were so soon to become so, to be deprived of a life which they either already prosper, or to which at least they will in so short a time become heirs. And this is
not the only life that society ought to be of
preference of; the mother herself is in imminent
danger, and her attempts to cause the mis-
carriage are as often perhaps fatal to herself
as to the burden of which she would fain be
rid. There is then a double injury to guard
against although only one crime is intended.

Viewing the offence in its more private
bearings, as it is commonly found to occur
in civilised countries, the culprit may well
claim a tear even from the judge who con-
demns her. Generally the victim of seduction
the knowledge that the being within her, will
disclose her weaknesses to all and be a perpetual
index of its mother's blame, stiffe the feeling
of delight the hope of its birth might other-
wise arouse. The dreadful nature of the
punishment her conception endangers is
now brought fully before her. She sees herself
already deserted by her own sex, and the
object perhaps of the insolent overtures of
the other. Ignoring which no repentance
can avoid, poverty shamed with the innocent
fruit of her folly, draws higher and higher.
as her delivery approached, and threaten her with all the bitterness of their cruelty. In this state of mind, wishing to be freed from the agony that awaits her by a fortunate miscarriage, she may be tempted to try to induce one by artificial means, and thus commit a crime to escape the consequences of her former fault. So this does not however extenuate the guilt of those who play an accessory part and without being influenced by such motives supply the means of furthering the crime. They are able to weigh the consequences of the attempt at which they are assisting, and to perceive that instead of remedying the former offence, it will most probably lead to more fatal consequences. Base procured in a deed which can gain them little, they have no excuse to cover them from the full vengeance of the law.

There is no doubt that many people who would shudder at the thought of murdering their child would nevertheless try to prevent conception or cause it
tomiscary, yet some medical jurists have considered the one deed to be equal crim-
inal with the other. It may be that the results there is no great difference be-
tween them. The mother who shuts the gate of 
life on her infant does not live on a 
leap calamitous event than she who 
slays it on the threshold. To withdraw 
the means necessary to the existence of a 
fetus in the womb leads to exactly the 
same consequence as strangling it after 
it is born, namely, the cessation of life. The 
growth of a few days cannot be held to 
change a comparatively innocent action 
into one of infanticide. But though the 
difference between the two crimes is not very 
great, a distinction between them neverthe-
less does exist. The murder of a being unde-
readily endowed with life is not the same 
as the interception of the gift as it were,

Metzger in his Annalen 1867 in his 
critics a proposed revision of the laws of Prussia 
At such points also it all foresees that
been accused. The perpetration of an infanticide inflicts a far greater degree of turpitude than that of an abortion. It would be difficult to show that the murder of a living and breathing infant, whose cry moves to pity as they show it sensible to pain, requires no greater cruelty and wickedness than the checking of its silent growth. In the mother’s opinion at least, it becomes a living and sentient being.

I do not consider that abortion is the fruit of civilisation which has made the fear of infamy stronger than the desire of being a mother; and no doubt this has been the principal motive since the world’s history began; but other have now and then been found strong enough to lead to the same result. The additional trouble, and the drain which a new mouth threatens upon the resources of an indigent and inactive people, however, in every part of the world, induces the parents to get rid of their children by putting them at
once to death, and such horrible customs legalized by superstition and perpetuated by indigence have prevailed even in civilized states. But the prevalence of infanticide leads rather to check than encourage any attempt at abortion, for the one crime can be perpetuated with ease and safety, and the other not without difficulty, and danger to the mother. Hence where the death of the child is the only object in view, it is generally murdered immediately after birth. But among some tribes whose mode of life leads them to be continually shifting their abodes, and who have no means of conveying those who are unable to follow them; the women are compelled to procure abortion to prevent themselves being abandoned, and to enable them to perform the burdens they are with which they are tasked. Thus the inhabitants of Hudson's Bay are said to procure miscarriage by means of a herb which grows there.

The aborigines of Australia take to
clude the troubles of bringing up children by
a painful compression of the body of the
mother when pregnant; and, according to
Müller, the Hindoo women have little
scrapes in employing the prime affe
accomplish the same object. According
to an American traveller, the people
of the Sandwich islands are used to procure
the abortion of illegitimate better in the
fourth or fifth month of gestation in
various parts of the Mahometan world
the crime is unluckily common. The rich
do not hesitate to cause it to be perferted,
if their children get too numerous. In Constantinople,
the Midwives, make a trade of procuring
abortions without the government intermec
although, no concealment is affected
in Egypt it is also done by a separate
clay for hire, and Blaquière in his letters.

Beck quotes him.
Müller p. 200 and Beck.
from the Mediterranean accounts for the
jusra of the children, in the Emir of
the Pasha of Tripoli, by the use of mean,
to frustrate the consequences of conception.
There is no law in the Koran, the
great foundation of Mahometan juris-
prudence. Against this practice, although
Mahammed has a severe malediction
against child murder; but the Codes
of almost all civilised nations have
punished the offence with more or less
severity.

There is no mention of lawful
abortion in the Mosaic Laws, but women
are effectually protected during their pregnancy
from any usage that might bring on
miscarriage. If men strive and hurt a
woman with child, so that her fruit depart
from her, and yet no mischief follow, she
shall be solely punished, according as the
woman's husband shall lay upon him; and
he shall pay as the judge determine. And

* Vol I p. 90.
any mischief follow then thou shalt give life for life.

In the Menu Code whose laws are of very great though uncertain antiquity and which are still renounced and despised by the millions of Hindostan, abortion is alluded to and reprehended. The ceremony of giving funeral water is to be refused to such women as live at their own pleasure, or have caused an abortion; and a woman is purified from an accidental miscarriage "in a number of nights equal to the number of mouths from conception". The dreadful punishment which followed the intercourse of a Brahmin with a lady of another inferior caste, and still more so the birth of a child from it, might be supposed to hold out a strong temptation to the crime which has at no time been unknown in Hindostan. Indeed the taint of Contamination was not always strong enough to prevent such occurrences.

* Exodus chap. XXII 22-3.

For See the Translation of the Menu Code chap. V on Diet Purification and Women §§37-38. also chap. VIII §317. I at first imagined that the following
Criminal abortion was punishable by law at Athens. He who had brought on his carriage by a potion (αὐθέντως ἡ τοξική) was liable to an indictment (αὐθέντως ἡ τοξικὴ), but the punishment is not known. There is a report of Sosipater, the Athenian orator on the subject, but it is lost. Plato admits of it in his Republic.

There is a story of Hippocrates having caused abortion in a dance of Cos whose occupation was interred with her pregnancy. The story refutes itself, as the means said to have been employed by Crates, Attici and Paiste fragmenta.

I have given Haller's version of the story, according to many accounts the woman was a charwoman, or at least a musician. In the quotation from Hippocrates given I follow the Greek word in procosegipes. I am however aware that there were different readings of the anecdote, whatever may have been the proportion it bore is unworthy of credit.
the great physician was causing her to leap
up and down which she would require to do
every day in practising her calling. This
is told in the work Τνεία Επομενον και
"Οκτώμενον. Which is termed by Haller as
relates the story in the most apocryphal
of all the apocryphal works of Hippocrates.
Sentiments more worthy of the first of
our profession are contained in another
of the works attributed to him in which
he forbids the physician to lend his aid to
promote any such purpose. Aristotle thought
that abortion might be advantageously sub-
stituted for infanticide, as the former had no
sensation, on the same principle, he suffocates
as some benevolent vegetarians, who, though
they will not allow chicken to be killed
for them, have no objection to eating eggs.

At Rome the proceeding of abortion
was likewise prescribed by law, it was

* Fabri Médecine Légale Rome 4.1.381.
Politik VII.4.
punishable under the Lex Cornelia de Picariis*, which the punishment of which was the interdictio aquae et ignis publicatis.

Cicero, in his De ratio pro Cluentio, mentions that, when he was in Africa Minor, suffered death for procuring abortion that a woman of Milita, was condemned to death for procuring abortion on herself by means of medicine, not without justice adds the orator, since she took away the hope of a parent, the joy of the race, the heir of the family, and an elected citizen from the republic.

It seems very strange that the Romans should punish abortion so severely when they allowed any father to absolute power over the lives of his children, and when child murder was so common. Any one who wishes to may, by reading the first Books of the Fouth Act of the Humanitatem of

Dig 48 cit 19 S. 38 see also M. Guyot in the Repertoire de Jurisprudence sur Abortion.

Ferences, from an idea how lightly such matters were then regarded. It is not very probable the
Corinthusi did war often brought against
those who had induced abortions. It must
have been very common: under the
government of Augustus, if we may receive
the testimony of Ovid*

Vestae quot effoditis viscerum subjectis, viscerum tela,
Et nonnam natis faceret venerationis?
Quae prima instituit teneorum cornella postes,
Malitie fuerat digna poene sua.
Hoc necesse in Armenius tigres fecerat latetum,
Pedes nee postes auta lecena suas.
At ladeae facientes et non impinet, pueriae
Saepè sua utero quaec neeat, iusta pane

* Cum egress in Asia quaerit ab Inocentius
secunda accepta pecuniae partium libri iusa
incumens aligeti, rei capitali eodem naturale
neque injuria, qua egress parentis, Memoria
nomine, subsidium quibus, Accidenti familia
designatum Republicanas have. sustulit ed
Parisii 1555. [2 61.
Under the Caesars, the opinions of the Stoics, it is said, influenced the Courts of Turkey.

This point, as we read, led to abortion being considered a comparatively harmless action. They taught that the seminal fluid just left the body, but not the soul, which was only given to the embryo at the moment of birth, and that the foetus in uterus was nourished, and increased, as a plant does. Hence it was only held to be a semi-vegetable or semi-reptilian creature, and thus it was, to observe V. C. Leibnitz, that subtle, which have in themselves neither sense, nor reason, nor experience, to confirm them, have often been able to govern the world, and to favour the degraded state of mankind.

"too common under the first Roman emperors."

According to Juvénal, the practice of procuring abortion was much resorted to at Rome among the higher classes; sed facit aurata, mix ultra perfusa lecto, tantum artes aures, tantum medicinae, præsent. Quae stilo, pect, atque horum, in re, conductit, bata VI 693. 

This, like most of the statements of the satirist, must be taken with some deduction, but there is no doubt that the fashionable philosophy, and the low morality of the time had made the crime by no means infrequent.

The law began to look upon it with a more severe eye, as the minds of the less dogmatical followers of the Academy began to prevail over those of the School of Zeno. Indeed however dates this connexion too early, when he asserts it took place under the emperor Antoninus, and heaven.
It was in the reign of the latter prince that Papirianus gave his opinion that the poetas in utroque part in hum. affairs with the more celebrated poet Alphanus, who was the favorite of Alexander Severus, the second who bore the latter name; it is still "potio uirorum matris," though a woman who endeavored to offer violence to her own husband (Vitruvius said him inferno) is to be scourged, or sent into exile, or made to work in the mines.

The establishment of Christianity caused a great change both in the manner in which the crime was treated by law and public opinion. Tertullian had stigmatized it as an anticipation.

Nihil in aditus humanis interipsi interim tamen ita fingi.

of homicide. Homicidii pestigatio est, said the eloquent African, Probliberi, nasci; nec repent natum quis rifiat animam, aut Nascenti disturbat. Homo est et qui future est. Gregorius Nyssenius, were and St. Augustine were equally loud in denouncing the offense. A Council which met at Armentor & burned in the year 365 foreclosed mothers who were guilty of it to taste the Lord's suffer, even in the hour of death. Another Council at Armentor in 514 required a ten-year penance for its commitalu, and one in Lerida in A.D. 524 obliged those who were found guilty of it of abstinence from communion for the space of seven years. Under the rule of the Greek emperors law was made in a general council.

*April Cap. 9
+ De Officio Cap. xxiv. xxix,
De Nuptiis et Corruptivis
11. Müller's Entwurf der gerichtlichen Abrechnungs- u. Rechtsregelung. 1903
8. See Müller u't est a Malon Medicine Legale
Vol T j. 213.
of the Church by which the penalty of death was pronounced against abortion and all drugs which were likely to be the cause of it were forbidden to be employed in Medicine. This remedy was something more than a reaction against the old Pagan carelessness of life, which led the mother to procure miscarriage because she was unwilling "to destitute and disturb her womb with kicking children." This belief in the efficacy of baptism in saving the souls of infants and washing them from free of original sin was daily gaining ground in the Church, and led men to regard secret and criminal abortion with ten-fold horror.

This is the reason for the Crime assigned by Juvenal, Nunc ei disterende vellet, <i>et nocere utern prius salutibus</i>, VI. 678.
The Canon Law was left some claims that of the Eastern Empire. If the foetus was already formed and animated, the one who destroyed it in the womb or caused its expulsion was guilty of culpable homicide; but if this foetus it was not so far advanced it could not be considered so flagrant a crime. Thus by a law of Sixtus V, according to Zacchias, this distinction was not acknowledged, but the same author also proves that this was not the general view of the Church. Of course such refinement caused great confusion, variae, et tota caelo residentes opiniones, as Zacchias writes. A number of arbitrary judgments were quoted to prove the period at which the homicide would begin.

Procuratìo abortus, ut foetus humani ex utero expulsio, quae si foetus juxta formata et animatis est, dolosi vel culpato homicii comitum reum facit. Sunt quidem fundamenta juris et ecclesiastici vol. II § 1245 p. 522.

Aristotle and Pliny held animating if
the sex of the foetus were to be masculine
at least at the fortieth day. Hippocrates held
it took three times for females; and thirty
for males; and a number of more obscure
writers cited by Zaccliaus make guesses
on the subject equally at arbitrary and
presumptuous. The great medical priest
who discourses the question of
proposed as a compromise to consider
every abortion homicide, if the foetus
had reached the sixtieth day after conception.

The same unsatisfactory distinction
was revived by the Constitutio Carolina of
the Emperor Charles V. By this Code:

1. jemandem einen Wein trinken, durch
Reizung, Essen oder Trinken ein lebendig
Kind abstreifen, dies auch ein Mann
oder Weib unfruchtbar machen, so
solche übel fürsetzlicher und leb
haftiger Weis geschildert soll der Mann

it was enacted that, whoever by mean of violence, or the administration of drugs, should, with an evil intention, cause the abortion of a living child, should, if a man, be punished with the sword as a homicide, or if a woman, even if the act were perfect, rated on herself (or as some read the law suffer what she has herself done) be

mit dem Schwert als ein Todeschläge, und die Frau, so sie es auch an die Selbstthat, entrücht (or entrüfen) und von nun an Tod gestraft werden. So aber ein Kind, dass noch nicht leben würde, von einer Weiberschild getrieben würde, sollen die Urteiler, das Strafgesetz dabei dem Rechtswandelung, oder sonst, wie und mit diesen Ordnung gemäss, ratti pflegen. Rechtliche Gerichtsordnung, Art CXXXIII. I have given the Code Law in its original words. Müller in his Essay has a long commentary on its meaning and the different explanations given of the text.
drowned, or endure some other capital punishment. But if the child expelled has not been living, the judge must consult with those skilled in the law, or take other advice as mentioned at the end of the enactment.

The laws of the Electorate of Saxony promulgated by the Beschluß hinges were much in the same terms: the punishment of death is to follow abortion, if the child were alive in the womb ("die im Mutterleibe lebig gewesen"), but if the foetus had never become animated, which was held to be the case if the half of the woman's confinement were not passed, or if the drugs or other means had not had no effect, or if she had not really been pregnant, those found guilty were to be sentenced, imprisoned, or sent to punishment as the Court might think fit. The same distinction was made by the Law of Medina.

Alberti in his Commentaries on the Constitution Carolina severely reprehends the distinction between the animates and inanimates foetuses, and quotes the opinions of a number of celebrated physicians and theologians of the time, against this part of the law. Amongst others, the sentiment of Brunnenmathe is cited, who said, that, though the emperor Charles had in his Code made a difference between killing and destroying an animates and inanimates foetuses, nevertheless, that this distinction was neither pleasing to the highest lawyers of all, nor agreed with the word of God. According to him and the other writers referred to in the work, the foetus became animated at the moment of conception. With this it was generally held.

D. Michaelis Alberti Commentaries in Constitutionem Criminalem ati sanctorum Mediae Aetatis
by the adherents of the school to which \[ \text{Stahl} \] gave a name, that it was the soul itself which was the fabricator of the body; it was destined to inhabit it, that, as \[ \text{Stahl} \] has himself expressed, it superintended the first preparation of the ovum, its ovulation from the ovary, and transit through the Fallopian tubes, and the formation of the placental vesicles, events which cannot take place without the exertion of the greatest care and foresight. It might be expected that those who held such views would be little disposed to allow the soul to be disturbed in its building operations, with only a mitigated penalty. Indeed, both the animists and their opponents joined in urging the law, until these obnoxious clauses were abrogated by newer enactments.

The following are some of the existing statutes of the German Empire against abortion.

See Commentatio f 287.
The Criminal Code of Austria of 1787 by the emperor Joseph II decree, that a woman with child, using means to procure abortion, shall be punished with imprisonment for not less than fifteen, nor more than thirty years, and condemnation to the public works: augmented when married.

Accomplices advising and recommending abortion, imprisonment not less than fifteen, nor more than forty years, and condemnation to the public works. The punishment to be increased when the accomplice is the father of the infant.

One cannot help thinking that this method of gradating the punishment in the case of the mother far too severe as compared with that of the accomplice, who are really in general more deserving of blame, not only because they are in common more acquainted with the course of the attempt, but also because they can never have the same cruel temptation to resist.

Mark Medical Jurisprudence p. 342.
The Laws of Germany, (Marfias.) says Beck, punish with from two to six years' imprisonment a woman (or her aider?) who, by potion or other means, shall have willfully produced abortion within the first thirty weeks from the time of conception; and the penalty is increased to eight, or at the utmost to ten years, when such a crime has been committed within the last month of pregnancy.

The Laws of Bavaria enact similar measures.

By the Italian Code it is established that if a woman has used means with the intent to produce abortion, if this shall not have taken place, she is to be punished by imprisonment for a period of from six months to one year; and if abortion has been the consequence of such means the imprisonment is to lie from one year to five months' duration. The same penalties, but with exacerbations, are enacted against the father of the foetus if he has been an accomplice in the
crimes. 'Finally, the delinquent who, against the will of the mother, shall have caused abortion, or have made an attempt to cause her abortion, is to be punished by imprisonment from one to five years; renewed imprisonment; (imprisonments in State our general jail) quite enough) and if the life of the mother has though been brought into danger or her health injured, the duration of the penalty shall be from five to ten years.

The law of Florence furnishes abortion if it is proved to have taken place through the agency of those who attempted to induce it, with the ordinary penalty of homicide. If the abortion is made does not follow the endeavor to produce it, it is treated as an attempted crime and renders the subject liable if a woman, to temporary severe imprisonment, or if a man, to banishment. He who by means of violence, or even by any medicine, meat or drink, is the involuntary cause of

This is given in Starks' Criminal for the
Laws of France.

In the ancient code of the Franks abortion was punished by a fine, as was also murder. The following is the enactment against it in the Salic Law amended by Blachemagus:

"If any one shall have given advice to a woman that she may not be able to have children, he shall be liable to pay for this offence 3,500 solidi, which were equal to 12 pounds sterling. More than three times that sum is exact for poisoning." As human life began to be valued more, the laws became more severe. According to Foscol, the inducing of abortion was generally punished with death. Several medicines were hanged for committing the offence. Now was the law in general offences to physicians, surgeons, or other individuals.

Si quis mulieris malum detegit, et infantes hanci iranos postiit, M. M. D. dierium, qui faciunt solidos LXII cum dieribus, si habes judicatae, Loi Salique Capitale Texte, des Salicis et Caroli Magno enunciata. C. XXI de Maleficiis.

IV. VIII M. dierium qui faciunt solidos CC.

Beck has been made a slip which it is perhaps trifling to notice, he says, "The Roman law was..."
who wilfully infringed it, and letters of pardon were often necessary for medical men who, without any bad intention, had given remedies which were followed by abortion, or had been obliged to produce it to save the life of the mother.

The penal code of 1791 contains the following law against the wilful perpetration of the crime: "Whoever is convicted of having, by means of potions, violence, or in any other way producing the miscarriage of a woman who is pregnant, shall be punished by being kept in fools' ward for twenty years." This remained the law of France until the year 1810, when the lenity of the punishment was modified and the course of justice guided by a new statute, Code Penal, article 37, whoever

adopted and practised upon in France until the Revolution, this is a paraphrase of what he follows very closely in this part of his book. Les signes que le droit romain reçompt avec adopté en France reformé as he tells us in the
page before by the Greek & Romans.

* Quiconque sera convaincu d'avoir pas
"by causing, potions, medicines, violence or by any other means, I shall have procured the abortion of a woman with child, whether she has consented to it or not, shall be punished with imprisonment."

"the same penalty shall be pronounced against the woman, who shall induce abortion on herself, or who shall have consented to make use of the means indicated to her or administered for that purpose, if abortion has followed."

"Physicians, surgeons and other officers of health, as well as apothecaries, who shall have indicated or used these means, shall be condemned for a time to the penitence of the galley, in these cases in

lavage, par violence dont par tout autre moyen, j'aurai l'avortement d'une femme enceinte, sera puni de migt aux feux.

4. Decongue, par aliments, brevay, medicaments, violence, ou par tout autre moyen, aux qui j'aurai l'avortement d'une femme enceinte, soit qu'elle y ait consente ou non, sera puni de la dissolution..."
which abortion might have taken place to translate it more exactly, though less literally, "in the case in which abortion takes place."

One might suppose from the use of the expression "procédé" in the first two paragraphs and that of the phrase "avait eu lieu" in the third, that it is only the act completed some culicide is the object of the enactment, and that the attempt is excluded from the penalties denounced in it, and such has been held by...

La même peine sera prononcée contre la femme qui se livre procédé l'avanement à elle-même, ou qui aura consenti à faire usage des moyens à elle indiqués ou distribués à cet effet, ou l'avanement n'en est reçu

Les médecins, chimistes, et autres officiers de santé, ainsi que les pharmaciens, qui auraient indiqué ou administré ces moyens, seront condamnés à la même des travaux force à temps, dans le cas où l'avanement aurait eu lieu.
several French lawyers, Lagrange, Caron, and Bouguignon who have maintained this opinion, cite in their favour the discussion which took place in the council of state upon the law. It does not appear from a consideration of the article itself that the attempt was actually excluded from punishment, and, until this can be proved it seems most reasonable to conclude with Durey that it must fall under Act 2 of the same code which declares that any attempt at a crime, manifested by the commencement of the execution of it, if it has not been suspended, or if it has only failed in its effects by circumstances independent of the will of its author, is regarded as the crime itself. "This view of the case has

Durey Médecine Légale à tome II chap. X.
Toute tentative de crime qui aura été mani-
feste par un commencement d'exécution, si
elle n'a marqué d'auffet que par des circon-
stance, indépendantes de la volonté de son auteur
est considérée comme le crime même.
been confirmed by the decree of the Court. The attempt was declared equally punishable, whether it was completed or not, save in the case of the woman who was pregnant, an exception being made in her favour. It has been also determined that if any one strike a woman and abortion is caused, the author of it falls under the same penalties, whether he did it with the intention of causing the miscarriage or not. Medicines are included under the "officier des manteaux" in the second paragraph as has been above decided in the Criminal Courts of France.

The law of Belgium is the same as that of France, so I suppose will be also this case.

*I have written two in place of three as the law has been for I fear the learned Moffat has forgotten that the first of his cases, October 1808, could not fall under a law which was enacted in 1810. Possibly however the law of 1791 might be challengeable on the same grounds.
with Switzerland and those provinces of Germany which were under French rule during the Empire, for it has been remarked that every nation who fairly received the code of Napoleon retained it even after they passed to a different and hostile government.
Law of England

The law of England before the passing of Lord & Blackstone's act in 1803 was thus laid down by Blackstone, "If a woman is "quick with child", and by a potion or otherwise killeth it in her womb, or if any "one beat her, purposely, the child dieth: if she is delivered of a dead child, "this, though not murder, treason by the ancient law homicide or manslaughter. But the modern law does not look upon this offence as quite so atrocious as light, but merely as "a heinous misdemeanor. Commentaries, vol. 4, p. 591. In 43 George III C 58, s. 1. It was enacted that if any person shall maliciously, "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, and his Majesty's subject or subjects thereby to murder, or to cause, and procure the miscarriage of any woman then being quick with child, the person so offending, his true counsellors, aiders, and
"Abettors, knowing of and prying to such offence, on such persons and shall suffer death as in cases of felony without benefit of clergy: and under the next section any one who shall administer any medicine, drug, or other substance or thing whatsoever, or shall use or employ a 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, their quick with child such persons, and such lies, counsellors, aids, and abettors are guilty of felony and liable to be fined, imprisoned, and set in the pillory, whipped, or to suffer one or more of the said punishments, or to be transported for any term not exceeding fourteen years at the discretion of the Court before which the statute they are tried and convicted.

This statute did not give satisfaction to those who understood the matter. The old distinction between the quickening and now quickening of the child had been long before condemned by the medical jurisprudence..."
Germany and France; and it was also adopted among the physicians of England. Besides this, a singular anomaly existed in the law which is thus exposed by Professor Traill, "although abortion after quickening by medicines administered for that purpose was a capital felony, yet producing it at that period of pregnancy by means of instruments, the most certain method, was not even an indictable offence." By the same strange anomaly, the while the procuring of abortion by means of an instrument was not followed by any punishment, the attempt to do so, if the child were not quick, might make the criminal, whose case would come under section second liable to be imprisoned for fourteen years, for in it the using of an instrument is included under the same penalty as giving drugs to procure abortion.

The absurdity of this law was well illustrated by a case which occurred in the Assize of Bay St Edmunds, August 11, 1808. William Pizzi, and Mary Codd, were tried.
Attempting to

Causing the miscarriage of Ann Cheng

From the depositions of Ann Cheng, it appeared, that finding herself with child, she informed her mistress Mary Coddet of it, who said, "if she would take that culicle she would get for her, she thought she could order it better than letting anybody know of it." Her mistress then applied to Pizzy, who was a midwife, and gave her medicines intended to make her miscarry. She sometimes received these by

from the one prisoner, and sometimes from the other. They failed however in producing what was desired. Pizzy, on being informed of this, took her into a room and laid her on her back; her face was covered but she felt him introduce a cold metallic instrument into her body, and about half a pint of blood followed its entrance. She felt the child move after this, and told Pizzy that his attempts failed a few days after her laid her on her back as before and passed his hand, poked into her body half way of his arm, which was called "this gave her a great deal of
pain and she never felt the child move afterwards. She was delivered soon after giving
birth to a stillborn child six or seven weeks before her full time. All this was done with the know-
ledge and co-operation of her Mistress, who before her trial had confirmed the deposition
of the girl in reference to these atrocious proceeding of Nizzy.

The prisoners were only indicted for what appears the least part of their crime, viz., the
ineffectual attempts by administering drugs.

Their counsel objected to receiving that part of the evidence which detailed the manual
operations of Nizzy, and it was only admitted for the purpose of proving the intention with
which the drugs had been given. The jury
acquitted them both, not being satisfied with
the evidence. Perhaps the jury required more
proof than such a case can well admit of, but none will hesitate in saying, that
nothing can be more blameable, and even
pernicious than a law, which prescribes with
death an uncertain & unsafe method of procuring
a crime guilty to leave the most serene and
Direct means of accomplishing it unmentionable and unpunished.

Another case which illustrated the meaning of the law occurred in 1811, Rex v. Phillips. The man was tried for administering laudanum to a woman who was not sick with child in order to procure abortion. After some pleading on the meaning of the term decotion, the prisoner then called witnesses to prove that the liquid given did not contain laudanum, but the counsel for the prosecution stood upon the last count of the indictment which read of a certain mixture to the potion, unknown then or there being a mixture or distinction there. The counsel for the other side then pled that it was not proved to be noxious or dangerous. The judge, however, would not recite this term in indictment and this clause of the statute, he said, it was improper to introduce these words; although they were introduced there was no necessity to prove their existence. It was immaterial whether the drug was laudanum or not, or collection or not.
was capable of procuring abortion, or knew
whether the woman was actually with
child. If the prisoner believed at the time
that it would procure abortion, and admin-
istered it with that intent, the case was
within the statute, and he was guilty of the
offence laid to his charge.

The prisoner stated he gave the liquid in
order to assuage the patient who wished him
to cause her to miscarry. He was agreed
whatever his intentions might have been, it
is not an unlikely thing to take place
that a respectable practitioner who has
been solicited by some a woman to procure
her abortion, who would not consent to
do so, might nevertheless be moved by her
entication to keep her secret, and fearing
that she might apply to some one else,
who might be left suspicious, to give
her some innocent medicine in order
to gain time, and deceive her with the
idea that it would cause abortion. Yoder
has expressly stated that he was aware of

\[\text{footnote:}\]
of this being done more than once by eminent physicians in Paris. It is well that it should be known that this cannot be tried, without the danger of his being made amenable to the law. It would be very difficult for him to prove that he had no intention to cause miscarriage, if he had not revealed his unlawful object to another, which ought always to be done in such cases.

The views of the meaning of the law stated above were again affirmed at the Chelmsford Assizes, Augt 1820. Robert Collins was then indicted for administering stellate geling to an
realb water to a woman in for the purpose of bringing on abortion. Mr Barrow told the jury that if in point of law, that if they were satisfied that the prisoners had administered the drugs with intent to procure miscarriage, though they were incapable of producing such effect, and though the woman consented to take them, the case was within the statute, and they were found
to find the prisoner guilty" which they did accordingly, and he was sentenced to labour for fourteen years.

In the statute of George IV. c. 31 4. 13. that of his predecessor was recast, the punishment of death was again denounced against those who endeavours to procure abortion on a woman pregnant with child, or shall use any "Instrument or other Means whatsoever with like Intent," and the attempt of the female were not quick rendered the criminal liable "at the discretion of the Court, to be transported beyond the seas for any term not exceeding fourteen years, with or without hard Labour in the Common Goal, or "House of Correction, for any term not exceeding three years, and if a Male to "be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit) "in addition to such Imprisonment."

It is strange that while in this enactment they remitted the anomaly of allowing abortion to be produced with instruments to pop expressly while the attempt to do so by other mean
of drugs was a capital offence, the absence of distinction about prickering was not ceased. It never failed to embarrass the judge and jury in any case where its existence might require to be discussed. It is now understood to be owing to the ascension of the uterus from the pelvic cavity into that of the abdomen. With many women this latter place suddenly and is attended with peculiar sensation, often with nausea and syncope. This is supposed to be owing to the withdrawal of the pressure of the column of blood from the brain, by the pressure exerted on the iliac arteries. In females, pain has been known to mistake other sensations for it, and it may take place without being noticed long after. The time when it generally occurs is about the end of the fourth week, but it is frequently irregular. In the case of Rex and Pillsbury and others, a medical witness examined, deposed that it took place in about eighteen weeks, sometimes at fourteen and at other times not till twenty weeks; others have known it to occur as late as the twenty-first or twenty-second

*Langutte Dissectio De Foetu ab ijsa.*
Dr. Rodrigue knew a lady who invariably
frictioned at the end of the second
Month and bore all her children nine
in number to the full term. In some
women, according to Puzos, it takes place
as early as the second Month; in others
it is prolonged till the middle of the fourth.
As it is admitted on all hands, that the
time at which frictioning occurs, if it is
experienced at all, is very variable, it would
be useless to multiply instances. A few
instances may illustrate this more clearly.
Dr. Desmaize held it to take place in general
about the sixteenth week after Conception.
Dr. Denuar and Blanchet reckon the fourth

Conceptions animata Schlegel Collectio General
vorum selectum vol. 2.7 1832, and parum
equinigranidae mollius motum sui fetus, circa
medium gestationis tenuis, vel nullum place
vel tum aliquem obtusum et irregularum
sentient, et illam obs ad alios viscerae et intesti-
orum motilum agniee Minimun no car paene
requiritur, natitudine distinguens habitut p. 321.
Month threeth the third. Of one hundred cases estem disposed by Froedere, eighty quickened at the fourth month, the rest at the third and fifth. Dr. Montgomery thought it took place in general between the twelfth and sixteenth weeks. It is earliest case was eleven weeks and two days after conception and some were as late as the sixth and seventeenth month. Rainsbothian gene the probable period the sixteenth or eighteenth week and Hamilton the end of the fourth calendar month.

The melody idea, which is conveyed in the etymology of the word, that quickening here is the beging of animating is more known to be erroneous. After the quick has risen from the cavity of the pelvis, where its motions are easily felt by the mother, but this is no proof that none were made previously, yet on a criterion uncertain, a capital punishment is adjusted, and a jury of matrons is allowed to decide on the life of a child in the womb.
The law which is at present in force against the procuring of abortion was enacted in 1837, 7th of William IV and 1st of Victoria. And it be enacted that whoever wilfully administers to any woman, or causes to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument, or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

By the same statute every accessory to the fact is punishable in the same degree as the principal, and after it, they are liable to be imprisoned for any term not exceeding two years, so that no one is abs
without danger to himself allow the crime to take place before his eyes, without disclosing the guilty party, now culpably conceal his knowledge of the deed, if he has been let into the secret after it has been committed.

Taylor, in his Manual of Medical Jurisprudence, expresses a doubt whether anyone could be convicted under this statute, if the jury were not satisfied that the drugs used for the purpose were justly termed poison or noxious thing. But a consideration of the words in which the law is expressed might have settled this question; not only is the punishment to follow the party who administers poisonous or noxious substances, but also those who use any instrument or other means whatsoever with like intent.

It is however extremely probable that in trials for administering altering drugs, the advocate for the prisoner will try to entangle the medical witness about the strictest definition of a poison. Most of the substances used in such instances are noxious and poisonous, in large
The definition of a poison is a substance capable of harming or extinguishing the vital functions, in the great majority of cases. In a trial mentioned by Taylor and Whitcher 1846 (Norwich Assizes), a medical witness had been given for the purpose of procuring abortion, and he stated that he considered hellebore to be noxious to the system, but he knew of no case in which it had produced death, and did not consider these circumstances, think himself justified in styling it a poison. Another medical witness considered it a poison. The definition of the judge was not much clearer, as he told the jury that what was to be regarded as a poisonous drug, which, in common parlance, was generally understood and taken to be such, and he thought the evidence sufficiently strong...
to bring hellhows within the meaning of
the statute. The jury gave their opinion
that it was a poisonous substance. It
is well to be prepared for such questions,
but there is no reason to suppose that
it is necessary to prove the means used
for causing, furthering the crime either
to be malicious or poisonous, unless it is
stated to be so in the indictment.

Another question, which might be
asked with more appearance of reason
is whether, in cases of attempted abor-
tion, proof of pregnancy is required? In those
two cases already mentioned, (see page )
the proof that the woman on whom
the attempt was made was really not
pregnant was held to be essential to
stop the course of the law, and though
these trials took place under an older
enactment the terms of that of 7
William IV and 1 Victoria are in this
respect quite the same. But the question
has already been tried under the
present statute. In two cases which happened since the accession of Victoria.
In the case of Reg v Haynes, the prisoner was found guilty of administering drugs to a woman. The jury declared that the woman was not pregnant, but the accused was found guilty under the statute. In the instance of Reg v Goodall the accused, aged 1846, was a woman, believing herself with child. She applied to the prisoner to procure abortion. Instruments were used for this purpose in order to rupture the membranes, and the poor woman died from the maltreatment she had suffered at the hands of the prisoner. Her body was examined, and she was found not pregnant. The defence was that there was not sufficient proof that the prisoner believed deceased pregnant. He was, however, found guilty. Judge Coltman reserved the question for the consideration of the other Judge. After the matter had been discussed, Judge Coleridge
pronounced sentence on the prisoner.

From this decision it would appear that, by the law of England, that the attempt to procure abortion, the entered upon under the belief that pregnancy really exists, even although this should not be the case, is liable to be convicted under the statute.

In France the law on this point is the same. Dr. Bayard relates a case in which a woman was convicted in 1846 of endeavouring to free, or to cause an imaginary pregnancy in a female, who was affected with syphilitic disease. She was sentenced to eight years imprisonment. *

*From these decisions it may be inferred that the abortion of monstrous births, Moles, Hydatids, or other living parts, if undertaken with a criminal intention, fall

* Med. Gaz XXXVIII. 83.
equally under the enactment. In France it has been with much inconsistency decided, that the crime of inducing miscarriage is not punishable if the offspring should turn out to be a monstrosity.

Before leaving this part of the subject we may notice, that it has been doubted, whether a woman can be accused of producing miscarriage on herself; and certainly the law is given in terms which might lead one to hesitate upon the point. But it cannot be conceived, that our legislators intended to allow females who destroyed their children, to escape with impunity; and we have little doubt that the Courts of our Country would take this view of the subject, and punish the mother for such a criminal attempt.

where it might seem desirable.

Laws of the United States

The legislation of our American leaders on this subject seems to have been modeled on that of England; and we may almost comprehend it under the same head. In the State of New York*, the employment of any means to procure abortion, on a woman who is pregnant with a child that is already quick, is, if the death of the child or mother be produced, followed by imprisonment for not less than ten years. If the child be not quick and the death of the mother does not result the punishment is

* Given by Beek p. 345: he has by a slip of the pen doubtfully transposed the two penalties, giving the greater one for the lesser offence—vice versa.
imprisonment for not less than 7 to 10 years.
In the state of Ohio, he who procures the abortion of a woman pregnant
with a quick child is to be imprisoned
for not more than seven years, and
not less than one year.
In Connecticut, he is to be confined
for life if the Court does not rule
otherwise. If the child be not quick the
penalty in Ohio is imprisonment
for not more than one year, or a
fine not exceeding five hundred
dollars or both.
In Missouri, the crime is without
any reference to quickening or quickible.
By imprisonment for a term not
exceeding seven years, and by a
fine not exceeding three thousand
dollars.

All the American laws are taken
from Beck it is singular he gives no
more of them, the specimens however
are favourable. See Beck p 345.
One important point which distinguishes the American law from all other codes is that it has provided for the safety of the accouchew who may be compelled to induce premature labour in order to save life. In the States of New York and Ohio at least it is expressly provided that those cases are to be excluded from the penalties of the enactment where "it shall have been necessary to preserve the life of the woman, or shall have been advised by two physicians to be necessary for that purpose." It is strange that on one own Island and on the Continent, the law has made no provision for such a contingency.

The Law of Scotland
The law of Scotland, on this subject, is much less certain than that of England. Nevertheless, at the last Grand Assizes in Great Britain, two arrests were made; formerly it did not hold an unborn child to be a person, or existing human creature, and consequently did not consider those who had caused abortion as guilty of murder, whether the child be quick or not, because, though it be quick, still it is only from conception matris and not effect being, or such of which it can with certainty be said, whether it would have become a quick child or not." Bacon Hume cites three cases, decided in the reigns of James II and Charles I, of wilful abortion being followed by sentence of death, but in all of them, the murder of the child in the womb is charged in the indictment, along with other crimes, which were in themselves capital so there is no reason to presume that the offence in question was found relevant.

Hume Commentaries on the Law of Scotland vol. 274.
as a murder by itself." In the case of a
child born alive, but who died in consequence of evil medicines previously given to the
mother, he thinks there may be room for argument against the prisoner, but he con-
siders that no decisive proof could in that
contingency be afforded of the true cause of
the child's death.

The same authority observes, that if any
one administer a potion to a woman, without her consent, with the intention of
causing her to miscarry, and she die
of the effects of it, it is murder. He con-
firms this by the instance of two men
who were tried at Aberdeen 16th May 1785
for giving some poisonous drug to two young
women, who were pregnant by them. The
lady was laid as for murder by poison,
with an alternatively culpable homicide.
One of them, a druggist, was outlawed; but
the other was found not guilty against
the other.

* Hume, vol. i p. 407
We are not told by Hume, what the penalty of abortion was in Scottish law, or whether it had provided any penalty at all, but Alison, in his Principles of the Criminal Law of Scotland, says that "administering drugs to procure abortion is an offence at common law, punishable by with an arbitrary pain, and that equally whether the desired effects are produced or not."

In the case of Catherine Robertson and George Batchelor 28th June 1800, who were tried for causing abortion by passing an instrument into the womb, both parties were condemned to transportation for seven years.

In the report of a trial for the same offence, which has been already noticed, the editor of the Edinburgh Medical and Surgical Journal alludes to a case which was decided before the High Court of Justiciary. A surgeon and a midwife were accused of the violent procuring of abortion. They were found guilty and punished for fourteen years. "In this case," it is added, "the Supreme Court of Justiciary".
Court act by virtue of that power which
they profess, competently to punish (with the
exception of life and limbs), they act which
is obviously of a criminal nature, though
it may have in time past, have been the
subject of prosecution.

Alison gives two other cases of conviction
of the crime of causing abortion. One at Peter-
September 1823 of Alexander Aitken a employ-
who for the sum of twenty-five shillings was
persuaded to induce it on a young woman
which he did by means of an external
instrument. He was sentenced to seven
years transportation. The other of Charles
Mann, Linsay, April 20 1824. In this
instance it was arsenic which was used
in order to procure miscarriage. It was
successful though the patient nearly died of
the effects of the poison. The person was
sentenced to be banished for fourteen

Alison is of opinion that if a woman

* Principles of Criminal Law, p. 428

f/2.
Die of a woman which is given to her to induce abortion, it is nothing less than murder, though the life of the mother was not intended to be taken.

The attempt to procure miscarriage is, as he also states, a relevant point of duty, though of inferior magnitude to the complete offense.

In the perpetration of the act, as well as the attempt to do so, the woman who takes the medicines, or allows of the operation, is liable to be punished as well as they, who administer the one, or perform the other, though the offense is not so heinous; and the surgeon or apothecary, who gives advice as to the method of accomplishing the offence, or furnishes medicine, for that any knowing the use to which they are to be put, will not escape being considered as aid and part in the transaction, are more than he who further it more directly.

f 6 29
Medical Responsibility in inducing premature labour.

It has been long and anxiously debated whether a physician is warranted in inducing premature labour in cases where the foetus is in serious danger, due to deformities of the pelvis or some other cause. The further growth of the foetus would, by interfering with the possibility of its exit from the womb, not only destroy its own life, but also entail the death of the mother. The older writers like Albirati, who debated the question at length in his Commentary on the Six Carolinas, have generally declared that no circumstances will warrant the destruction of the foetus; and the Sorbonne has denounced the attempt. In a pure question of morality, authorities are of little consequence. Modern authorities, however, have taken a different view.

Helen Varleaghan Hepiriz
The question has been argued by two of the most celebrated jurists of France, Volder and Cahunè. The latter holds that the operation is one which in no case ought to be allowed. He argues, that the difficulty of ascertaining what malformations of the pelvis are sufficient to obstruct parturition, is too great to warrant any such steps being made to prevent a misfortune, which may never take place. The difficulty of proving in the earlier months that pregnancy really exists, and the great danger to which the life of the mother is exposed by the violent expulsion of the foetus, are all arguments against the attempt. If some interference is absolutely necessary, Cahunè suggests the Caesarian section, or a symphysiotomy, as much safer and more preferable.

It will not be easy to induce mothers to believe, that the difficulty of determining that parturition at the full time is impossible,
from the examination of the pelvis, are very great as Caffin found them. No doubt cases have occurred, where women were delivered in safety against all hope. But two medical men are often called upon to act in treatment, by which the life of the patient is saved, on much less evidence than is afforded in the case we are debating. For instance, a surgeon will not in the case of a violent contusion of the head, will not hesitate to perform the operation of trephining, if he has any suspicion that the inner table of the skull has been shattered. ought one to condemn him to long suffering the cavity of the skull? Examiners, to the great danger of life, for what is only a contingency? He is not reprehended for doing this, and I have seen the operation performed, where there were much less certain grounds on which to form a correct diagnosis, than would satisfy the accouchers as he would aid to induce premature labour, from being
in consequence of disease, or malformation of the female.

The causes of error in determining if pregnancy exists, are sometimes apt to deceive, but to this argument the same reply may be given as to the first.

There is no doubt that the estimate of the danger the mother runs in the induction of premature labor will not hold good, at least for the present day. The following table from Dr. Simpson will be the best proof of this assertion

**Safety of Operation as regards the Mother**

<table>
<thead>
<tr>
<th>Reporter</th>
<th>No. of Operations</th>
<th>No. of Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merriman</td>
<td>44</td>
<td>None</td>
</tr>
<tr>
<td>Hamilton</td>
<td>51</td>
<td>None</td>
</tr>
<tr>
<td>Ramsbothan</td>
<td>62</td>
<td>None</td>
</tr>
<tr>
<td>Solomon</td>
<td>61</td>
<td>None</td>
</tr>
<tr>
<td>Hilier</td>
<td>141</td>
<td>8</td>
</tr>
<tr>
<td>Figuierro</td>
<td>280</td>
<td>4</td>
</tr>
<tr>
<td>Lee</td>
<td>31</td>
<td>3</td>
</tr>
</tbody>
</table>
If we contrast this with the statistics of the Caesarean section, we shall have reason to be surprised at the verdict of Caproni.

6 out of 78 operated on, by Bardet-Boeke 42
- 110 by Michaelis 48
+ 208 by Felpeau 116
+ 790 by Figueroa 366
+ 378 by West 145

In many instances where the operator
has of for the induction of premature
labor has been performed for the life of the child has been saved along
with that of the mother. Through being
away at an earlier period of gestation
it has continued to live, and indeed
practitioners generally succeed by this
means in giving both the mother and
the offspring an equal chance, and in saving
the lives of both.

We would ask, is it better not that
the life of the child should be sacrificed
to that of the mother as some...
have insidiously put the question, but is it better to hazard the life of the child, in order to save the more valuable one of the mother, with the chance of preserving both, whereas if nothing had been done they would have inevitably gone down to the grave together.

Or in those melancholy cases where children have been destroyed to save the life of the mother.

in limine primum

Ass vita et alia, certa et
A listul qui dix, et frena mea volo voli.

Was it even less better that the life of the child should be sacrificed, in the attempt both to save its own life and that of the mother, or to save it in its least form merely to save that of the mother, was it even this better than to allow both to perish without assistance.

If we try the Caesarean section the safety of the mother is in imminent danger although as it other have asked it only the
eight, in the case I suppose of Dr. Seysme, preferred the preservation of the
child to that of the mother, whatever
may be the merits of the case in
politics, medicine ought not to imitate
his example; and every one knows
that this prince was never over
anxious for the safety of his 
zine.

State of Law:
Except in the American State of
New York and Ohio (where, after consulting
two physicians, a medical practitioner
is allowed to induce premature labour
if he think it necessary to save the
life of the woman), the laws of the
county have cursed given their opinion
on the subject. It has been remarked
that wounding a person with a
sharp instrument and castration are
forbidden by severe penalties but here
surgical do not hesitate to "cure"
the laws in the exercise of their
prof. This through a first observation is
As somewhat loose analogy to the case we are considering, surgeons do not, in performing amputation, or cautery, destroy one's life to save another; but merely with the consent of the patient take away a part of the body, to save the whole from death. Medical practitioners, however, have in many instances induced premature labour without the law interfering with their proceeding. At the same time they risk a prosecution in cases of failure or where the child dies through injury and immaturity.

A midwife was tried at the Nottingham Assizes 1846 for bringing on early labours, between the fifth and sixth months of pregnancy. The child was born alive, but died in five hours. The prisoner was acquitted, apparently on the ground that abortion might have arisen from other causes.

The accusation was simply to avoid
Such a disagreeable affair, ought, before venturing upon the hazardous step, to consult with some other practitioners, and examine the matter with the greatest care; and then if it is thought necessary, he may endeavor to bring on premature labour. "Let us hope that this resource" say a writer in a Belgian Medical Journal "will soon be regarded as in the power of obstetrical science and practice and that our accoucheurs, laying aside their fears, until a formal repeal of the text of the law shall afford the only guarantee."

*Monthly Journal of Medicine, Sept 1844.
Proofs of aortion having taken place.

& when any one is accused of causing abortion, the first step taken is of course to examine if it has really taken place. The evidence collected may come from the depositions of those who lived with the person whose miscarriage is suspected from an examination of her condition and from the production of the expelled child.

We may ascertain whether any marks of insufficient pregnancy were observed on the woman, in whom it is supposed to have been induced; whether she has ever been suspected of renewing a chance of becoming pregnant; whether she appeared to be in low spirits; or was affected with any complaint likely to bring on the event; whether she herself or others suspected of assisting her had been heard to make any inquiries or start a conversation about abortion.
and the means of producing it; and whether she had sent any one to procure abortive drugs; or had been seen communicating with persons that might have aided her in accomplishing her object. We may also ascertain when her last menstrual discharge had taken place or if a pellicle had been observed to form over her skin.

An examination of her person ought always to be made. The assertion of the woman that abortion has taken place is by no means sufficient to prove the fact. The accusation is one which may be made out of ignorance; as where a physician has used means to expel a clot of blood or hydatids from the womb, she must may have mistaken her for an amenorrhea. The case may have been one of deformed fœtus; and the woman may have been accused some one of a crime which was never committed. A case of this
Nature has been given by Beek another by Taylor and from what Cameron say, if it it would appear to be not very uncommon, it can be held perfect till the information derived from both is compared and found to correspond. This examination is made at all, must be made as early as possible. The distinctive marks we seek for disappear in six days according to Cameron or at least in ten which is the general time assigned no trace of them will be found. It is very difficult to detect the crime in the earlier months of conception, and indeed an accidental miscarriage may late place at that time without the knowledge of the female herself. She may only notice that menstruation has been retarded. The event will very likely occur at the period of
Discharge of the menses for two years can then more easily free itself from its contents, and the urine may escape along with the blood without being noticed. It is not usual for criminal attempts to be made so early as full of appearance of pregnancy cannot yet have obtained but if they had been carried out it is not very likely that any evidence could be derived from the state of the female. In the later months one has more chance of success. The ordinary signs of pregnancy may be looked for. With full issue from the mammary which will soon become evident afford proof of its secretion. They enlarge become tender and present a firm bumpy feeling. The dark colored areola which accompanies may be observed; but this occurs naturally in some woman of bent complexion and or it may merely the trace of a former conception.
There is a flow of ichorous blood from the vagina, often distinguished from the menstrual discharge by being mixed with coagula, and which gradually assumes a dirty yellowish colour. The uteri will retain marks of its distension and when it has contracted the skin over the hypogastricum is relaxed and wrinkled. seinen pale coloured lines are often absent and extend over the hypogastric region. The calix are tender and congested, and the uterine and vagina more or less dilated. The uterus of the latter obliquely. If these signs are conspicuously present at the orifice of the uterus, though it still appears gravid, it is quite possible that abortion may have taken place. The woman may have had twins.

See American Journal of Medical Science May 1838, where a lady who had been delivered of a premature birth at the third month was
and only succeeded in causing the expulsion of one of them. Many instances of this kind are on record.

still affected with morning sickness and other signs of pregnancy and near delivered of an infant six months afterwards. Another instance where the foetus was in the middle period of gestation is also given. In addition to this see Ramwell's Midwifery. p. 652. and Pliny that heat of v. 11 cap. 18.
The efforts of labor may be renewed at intervals, even after the多久 is expelled, and the female has been observed to totter in her walk. The prominence of the veins below the skin disappears, and that peculiar yellow complexion which so often attends pregnancy, will gradually be replaced by the original appearance.

If the accused declares himself a lying or has enjoyed the reputation of being so, the proof that this is not the case of course may add a link in the chain of evidence. It would be going out of our way to dwell on this subject, but the feeling of the medical jurisprudent has been not to tamper with the fair name of any one, without having good and strong proofs of what he advance, but also good reasons for obtaining his information.

It is generally acknowledged that none

* Podest IV p. 409.
of the indications mentioned, as affording proofs of abortion are in themselves sufficient to establish the certainty of the accusation. The suppression of the menses may lead to the breasts being distended; the growth of hydatids and several other causes may produce to the same effect. The secretion of milk may take place in the breasts of the virgin, as Dr. Traill has remarked. The learned professor has given numerous references to ancient and modern authors who have given instances, where milk has been produced from the male breast. Dr. Blundell has furnished several examples where milk was secreted long after pregnancy in the instance of a negro, he mentions for twenty years. If I remember rightly, Bishop Burnet, in his celebrated history of his own times, discussing the important question, whether the unfortunate son of James II was a legitimate child or not, gives as evidence in support of the suspicions of the times, now acknowledged.
to be grounded, that the maids of honour had observed the linens of the queen to have marks of milk being effused before it, but that this appearance had ceased a considerable time before the assumed birth.

The lochial discharge may be mistaken for an unusual escape of the menstrual fluid after retention. This mistake will however not be readily committed by a professional man. The time the lochial continues to flow is considerably, in general, ten or twelve days, and sometimes, as long as twenty, five or thirty. The small and coagulated blood as already mentioned are very distinctive.

It is possible the abortion may have taken place where nothing has flowed from there is no appearance of haemorrhage at all; for instance when it has been brought about by piercing the membranes. They will in that case detach themselves gradually without causing any sensible flow of blood.

Campion gives as distinctions between the two discharges, that the lochial "due plus longtemps; elle about les forces et laisse toutes les fonctions dans
Some cases that the language. New conditions and circumstances in pregnancy develop.

The distended state of the uterus, if the female has been well advanced in pregnancy, can scarcely fail to lie at detected. According to Dr. Burns, after delivery it will not return to its natural size for in less than a month.

But, unfortunately, many other causes like pregnancy may increase the size of the uterus, or some other disease. What is closely related to tumors in the presence of tumor-like may closely simulate the symptoms of pregnancy, and have been known to deceive women, who had already borne children, and even men. The breasts may begin to swell and a shooting pain be experienced in them, and the morning sickness also come on, so that not only the signs already described may deceive when taken separately, but the

dans en état de langueur. Du contraire, l'évacuation menstruelle développe les fonctions d'une douleur aux organes, et laisse une sensation de bien aisé que mal peut devo...
are not freed from the charge of falacy, even if they are all found to occur together. Hydatids or Mole may produce distension of the utero, and even Milk in the breasts but we shall consider these structures more particularly in another place.

The appearance of the orifice of the uterus is also equivocal. An accurate description of the opening is shut up by an imperfect hymen, which may obstruct the vagina and vitiate the escape of this to

May cause the parts to present symptoms similar to those of abortion, gavard in his 'Splanchnology' says that nothing is more uncertain than infertility taken from the orifice of the utero.

Because the utero sometimes presumes it is after delivery, the form it adds to the distension. But because these distensions may depend upon Malformation. It is because in some cases the shape of the orifice is
the same as in women who had children.

These remarks must not be taken as evidence of any desire to undervalue the importance of the examination of the female when others. The presence of these would lead to a strong suspicion of delivery of some other kind than the induction of the foetus being the probable requisite to prove it an abortion. We must also remember that the absence of the signs of pregnancy would be the most satisfactory proof of the innocence of a woman unnecessarily accused if the issue examined soon after the supposed occurrence of the event.
If the mother has died, dissection will afford further confirmation of the symptoms, which have been detected by an examination of the external parts. If abortion has taken place, and the fetus be past the first month's growth, we may hope to be able to find traces of it, which become more evident the further advanced the fetus has been.

The ordinary size of the uterus is about three inches long and two broad at the fundus, and one at the cervix.* About the second month after conception it begins to change. In the third it measures five inches, of which the cervix takes up one; in the fourth month it becomes five and a half inches, excluding the cervix, and in the fifth it will be increased to six. The ratio of its increase from this period is not so easy to determine; in legal cases we desire something more definite than an average. We can only say that it approaches during this time to twelve inches, which is its ordinary size.* These measurements are taken from Race and Whitehead on Abortion, p. 197.
at the period of delivery. YulleaFormica
has lean immediately. The shape of the
organ is also changed; in the unripe
uterus it is pyriform, but flattened out
laterally. It retains this shape during the
first two months, and then gradually
becomes globular; after the fifth month
the cervix is merged into the general
cavity, which assumes an ovoid shape.
It passes through these stages again, on
its contraction, to its former condition
but of course in the reverse order. The
thickness of its walls does not increase
in the gravid uterus, according to Huc\-
tit.

It is about one to two thirds of an inch.
The muscular coat becomes more prominent
in pregnancy, and the fibers more distinct.

The appendix uterine vessels, may be said
to be very much enlarged, and to the

see his book on the gravid uterus. My principle
authorities in trusting this point are Bell, Pouleau,
The Compleat Des Accouchemens, Bock, Miller's Obstet
and Whitehead on Abortion.
experienced eye may afford an index to the size and age of the foetus. If the
placenta has been already formed, the place where it was connected to the uterus may
be found. It will be distinguished by its rough and perhaps cicatrized, ulcerating surface,
and the new vascular state of the tissues near it. Perhaps it will still be found attached,
in an abortion which took place at the fifth
month. Mrs Thornton states, that the placenta
remained adherent for the full time of nine
months, when expelled it weighed eight ounces.
In another mentioned by Marshalltown, it came
out a month after the foetus. Then enucleating
the remains of the placenta may become
altered in structure, and become (what is called
a mole. The enucleating membrane of the
foetus may also remain. The tecta decidua
* in this case becomes thickened. The cavity
of the chorion gradually contracts, and the mass


* Velfinum 406.
becomes a reddish tumour, generally having a little scirous cavity in the centre. The amnion disappears. Vaseaux says, that before the end of the second month the ovum comes out entire. Dr. W. M. S. has given an instance where it occurred at the full term; and six cases are mentioned to be by the author already quoted, in which this took place beyond the fifth month. Sometimes the ovum only leaves the common hollow; at other times it carries away everything but the teta decidua. These detached membranes are generally expelled after the foetus, but as already noticed may still be found in the uterus. Dr. Prades, in a case to which we shall refer hereafter, founds a fine membrane decidua still adhering to the uterus.

The broad ligaments are effaced in a degree proportioned to the advancement of the foetus; and the round ligaments are elongated, three or four times thicker, and exceedingly vascular. The Fallopian tubes are left connected...
their usual, and so vascular, that they appear of a purplish colour, and this says Blum, they preserve for a considerable time, I cannot say how long, after delivery.

The contents of the ovaries are likely to excite controversy. It has been advanced that the corpora lutina in the woman, who has conceived, are different from those of the virgin; so that, by examining them, one can determine the question, whether the ones they contained have become pregnant or not. The principal points of difference, the false or virgin and the true corpus luteum, are assigned by Dr. Montgomery. The false ones generally want the external cicatrix, which is always present in the true; there often remain false corpora found in the ovaries at once, and in the true ones rarely more than one or two.

Midwifery p. 564.
Signs of Pregnancy
former are not vascular, and the latter can be injected from the vessels of the ovary; the structure of the false corpus luteum is variable, and their form irregular, whereas that of the true corpus luteum are uniform in texture, and their shape is round or oval. The stellae radiating from the cicatrix are wanting in the former, but present in the latter. The size of the true corpus luteum is generally larger than that of the other.*

But evidence derived from such a source ought not to be allowed to weigh heavily in a Court of Justice; for the certainty of this distinction is still a matter of doubt among scientific men, and must I fear continue so until more proofs can be collected. Many distinguished observers, deny the fact altogetherness and contend that the difference is merely imaginary. As far as I have examined the controversy it appears that

*See Dr. Baly's 2d Supplement to Mlln's Pathology p. 357.
those, who hold the affirmative side of the question, have no sufficient or number of well-authenticated facts to entitle them to come to that conclusion, they have done, although the weight of evidence appears to incline to their side. And I cannot but think that some medical jurisists, e.g. Beck and Taylor, have been far too dogmatical in affirming or positively that there is a certain sign of impregnation. Evidence derived from this source has already occasioned some unsatisfactory results, when first used in Court.

These are the ordinary signs of recent delivery to be met with on dissection, but are of course not the only ones for which we must look. Every abnormal appearance in the uterus ought to be carefully examined, and noted down. Nothing should be
trusted to the memory however tenacious. The state of the parts will help to strengthen to the inference, whether the abortion is criminal or not, and indicate the way in which it took place. The other organs and viscera ought also to be examined and their condition ascertained. And in this manner causes, otherwise would have remained unknown, as diseases attendant upon pregnancy may be detected, which will corroborate the evidence that it had existed. The symptoms to be expected in cases of criminal abortion will be mentioned as we treat of the means of inducing it seriatim.

Examination of the extruded body.

The question, whether it really was a fetus that has been expelled from the womb, can never be satisfactorily answered.
and if the extracted body be found and subjected to examination. In criminal cases it is generally destroyed or secreted, before any investigation can come to take place; the corpus delicti is wanting and the matter remains dubious. But this expedient will not screen the perpetrators of the crime from the punishment of the law. It has been settled, that, whether the woman be really with child or not, the attempt to procure abortion falls equally under the statute.* If it be proved that it was endeavored to expel something or anything from the uterus, by means of drugs given or operations undertaken with the intention of destroying the foetus, which was believed to exist as it, those implicated in the matter will not escape, although only hydatids or coagulated blood were expelled.

The safest plea a person indicted...
under such circumstances could make would be, that they had discovered the real nature of the body, and had taken means to expel it from the uterus. In such a contingency the only thing that can be done, is to weigh the probability of a female employing her paramour, or some obscure apothecary or midwife, as the case might fall out, to perform to delicate an operation as to consider the likelihood of such persons coming to a correct conclusion, as to the nature of the complaint, and to ask them how they were led to form their diagnoses. We may also ascertain, whether there were any grounds for suspecting that the woman had reason to fear pregnancy at the time, and had any motives for wishing it to be otherwise. We must also deliberate, whether it was more probable that the drugs and other means known to be used, were more likely to be employed by
those, who wished to expel hydatids, or to destroy a foetus in utero. Finally, we ought to enquire into the manner in which the affair was allowed to take place; and the kind and degree of secrecy, in which it was purposely involved.

If the extruded body is found, the matter becomes clear. Upon examination, it will either turn out to be of a foetus or ovum; or, if not, a hydatid or mole. These abnormal productions are of sufficient consequence to warrant an enquiry into their nature and history, especially as there is some chance of their being mistaken even on actual inspection for a human ovum.

Moles and Hydatids

Samzweerde* derives the word mole from the Persian. Apparently it is not destined

Historia Naturalis Molarum Utet 1688

*
to thrive in a foreign soil, for it has been used in so many different senses, that the word has lost all significance. With some the expression mole, mole, (Mondhalsk germarn) is used as a generic term for all concretions that occur in the uterus; with others it is confined to some of a particular kind. We shall see it in its most restricted sense, and now proceed in the first place to treat of hydatids.

Hydatids in the uterus.

These are small vesicles hanging together in clusters, and filled with a watery fluid. They may increase very considerably, distending the uterus and simulating other symptoms of pregnancy, as has been already shown. The general belief is that they are never found to occur in the uterus without sexual connection. They are regarded as the products of a degenerated conception & to be of Heiligenbeil.

Why bother not even without conception, as evident in human life, animals?
has reported an instance in which they were proved to exist: without any inflammation whatever, at least as far as could be known under ordinary circumstances. A woman of thirty-two years of age, the wife of a man who was living apart from her husband, showed the usual symptoms of pregnancy. The menstrual discharge ceased, and her abdomen swelled. Her husband refused her suitable infidelity, but was appeased where it was found that these appearances were owing to a cluster of hydatids about the size of two fists, which was expelled from the uterus. The hydatid worm is occasionally found along with the uterus, and sometimes, according to Madame Bonin, the hydatids are invested by a membrane similar to the decidua, so that a hasty observer might mistake them for an ovum. In a case given in the Lancet, a mass of hydatids, perhaps the product

Wilbouy, Jahrbuch Heft II 145.
Lancet April 18, 1846.
of a twin ovum, grew to along with a child, and was expelled at the same time. Do not always mention question of the same kind. As a cluster of hydatids are generally connected to the lining of the uterus by a stalk, which may hinder in recognizing them. Then it is possible that a placenta and some other parts of a foetus may be found along with them, but it will generally be easy to distinguish a collection of hydatids from any fetal parts, which is not degenerated.

Moles in the Uterus

Moles (Molae Carinatae) are distinguished from hydatids (Molae Aquaticae Residuales) by their more solid texture. They may consist of a membrane enclosing a quantity of coagulated blood, or the entirety of a fleshy structure. In fact they have been described and figured as consisting of almost every imaginable.

Printed in Müller p 387, also a letter in one of the textbooks of Beck p 250.

Bittrner von der Kindermord p 53.
variety of texture. The question, whether a mole can occur without sexual congress, has been debated since the days of Aristotle, and was discussed in the school of Boethius by the celebrated Avicenna. Zacchia, who entered very deeply into it, was inclined to believe the milium unguen, absque ario molam conscipisse. They are believed to be formed from remnants of the placenta, or from a calcified ovum. Mosa, may be extruded from the uterus of the virgin, which often much resembles moles. They are generally clots of blood owing to retention of the menses, and may generally be broken down and dissolved, as Capron...
recommends in doubtful cases. The hairy mole cannot become vascular, but the fibrous bodies, which Granville has figured in his work, are evidently capable of being there produced. Schreiber mentions a case of a mole which was found in a virgin. The observations of the older writers, where they do not speak from their own experience, are of little value.

The most ridiculous stories of women bringing forth muscles, parasites, reptiles, cats, pigs, and even elephants, besides other animals, quite unknown to Modern Naturalists, are generally given in their works, e.g., Capezio Molares. He has however interesting accounts from many of them of the mole, remaining for a long time in the uterus. One of a woman who had a tumour in it for ten years.

Felipe M. Tract. Completo der Acc. zuhnm. p. 414
Embryologia p. 689
quoted in Metger p. 298
another from Plineux, who found one of weighing twenty ounces in the womb of a
woman seventy seven years old. Pard
mentions one where remained seventeen
years. No doubt Moles may exist along
with the foetus and be the cause of its
untimely expulsion from the womb; cases of
this kind have been observed by Selunijz
and later.*

It is possible that one of these bodies
may be mistaken for an Ovum, part
of which are often unimplanted in it; but
it is not likely to escape detection and
observes of many experience. In a case men
tioned Bellor, this medical jinist was puzzled
to distinguish a Mole from an
Ovum. He describes it as a mass enclosed
in a dense membrance, about the
size and shape of a turkey egg. From
the age of the woman from whom it

Velpian p 417.
Selunijz Emoloyologia p 345.
came he concluded it to be a false germ.

It is of great importance to distinguish true pregnancy from the deceitful appearance put on by these singular structures, and perhaps the distinctions between the two stated by Metzger will perhaps be useful

1. The pregnancy simulated by Mole, i.e., Mole x Hydatids (Molenschloessglaeferen) seldom lasts longer than four months at most; exception to this are very uncommon.

2. It has a more depressing effect on the health of the mother than the normal growth of a foetus.

3. The placenta is absent.

4. There is either no milk in the mammary, or it is of unhealthy character.

So this Büttner adds the sign that, in the later months no movement is felt in the womb, if the elevation has continued long enough for such a thing, circumstance to be expected
Examination of the Expelled Foetus.

If a real germ or foetus be discovered, the medical priest will perhaps be asked to determine, how far it was advanced in its development, or in other words, how old it was. This question may in many cases be determined from external marks that are easily recognised, but a thorough knowledge of the anatomy of the foetus is all it, or excepting changes will always be of great advantage. It is not our intention to describe these; they belong to the province of the anatomist, just as much as the description of the organs of reproduction in the matter do to the anatomist. But I hope it will not be considered foreign to the scope of this essay to mention one or two of the most prominent marks, by which the age of the foetus may be recognised.

It is not easy to detect the ovum during the first month.
Burns in three instances failed in discovering it, where it was no older than the first month. About the twentieth day it is as large as a pea; it is bent, with three lobular bulging on the concave side. (Ref. Haeckel Phaeoda II Fig. 1.) At one month it is about the size of a common house fly; the extremity destined for the head is the largest, and is involuted, something like the fleshy cotyledon of a seed. Before the end of the second month the aperture of the nose, mouth, and eye, the leg and arms are developed, and in the

I do not think it necessary to cite authorities for matter of fact, which may be found in almost every epitome of physiology. There are some points on which different observers differ; and I have here tried to arrive at the truth by following the most accurate and experienced in this special branch of science, the principal work Consulted was Müller's Compendium der Physiologie und Entwickelungskunde; Haeckel's Embryology.
form of leaflike appendages.

At the commencement of the second month the length of the umbilicus is about 3\(\frac{1}{2}\) inch; the mouth distinct and cleft; the head small, and the attachment of the umbilical cord is yet near the posterior part of the trunk; during this month the sheath of the cord is formed, and the intestine, which was previously straight, are bent in a loop, which is received into the commencement of the vagina funiculi umbilicalis; the lumina is fluid; and the skin transparent.

Dr. Frail's Medical jurisprudence; the new compilation of Beck on the subject; Carpenter's Physiology, last edition; Müller's Entwurf; and Taylor's Manual.
The rudiments of the lungs, spleen, suprarenal capsules, & the external parts of generation appear in this month; also ossæ canis points in the frontal bone and ribs.

At three or four months it weighs about 2 oz. and measures from two to 2½ inches in length; eyelids in contact; the beginning of external ear perceive; the generative organs large, though not distinct; the brain still fluid. The umbilical vesicle, allantoïs, and omphalo-mesentery vessels have disappeared; the placenta is completely isolated.

About the fourth month the foetus weighs from 2 to 3 oz.; length 5 to 6 inches; membrane uteriæ, distinct. The umbilical vesicle is in the anterior aspect, and has approached half way to the posterior region to which it gives its name. (Volpean 8 5 4.)

The sex is distinct; the brain consists of five masses, of which two, the cerebrum,
Quadrigemina are the first formed.

During the fifth month, the weight is from 5 to 7 oz.; length 9 to 10 inches; the skin as yet without any sebaceous covering; hair apparent; heart distinct in the breast, which, however, is large; the distinction between auricle and ventricle is not yet clear; gall bladder distinct; meconium in commencement of large intestine. The movements of the child begin in this month to be noticed by the mother.

During the sixth month, the weight is 1 lb.; length 9 to 10 or 12 inches; the middle joint being at the abdome- nal extremity of the sternum, which ossifies at four points; the face is puffy; eyelids coalesce; hair white or silvery; sebaceous covering over the skin. In the male the testes are about this time immediately below the kidneys. The feet, may now be made.
During the seventh month, weighs from 2 to 3 lbs.; measures 13 to 16 inches; middle point a little below the end of the sternum; nails not yet reaching the extremities of fingers; eyelids free; membrane funicularis disappears. The intestines contain meconium in almost their whole length.

During the eighth month, the weight averages from 4 to 5 lbs.; length 14 to 16 inches; middle point nearer umbilicus than sternum; nails reach the extremities of fingers; hair of head coloured. The testicles in the male child descend into the inguinal canal.

At nine months, the average weight is 7 or 6½ lbs.; length 18 or 20 inches. The middle line falls in the umbilicus and the appearance presents the well-known one of a new born child.
The medical jurist must examine the expelled foetus with the greatest care, and try to discover if it bears any marks of violence in the later months. Whether it is possible that the child might come alive into the world he ought always, whenever possible, to determine, if this has been the case. But the consideration of this subject belongs more particularly to infanticide.

It may be asked, and has indeed been anxiously debated, where does the foetus properly begin to live? To this very one answer according to his idea of the bifurcation of the word life. If it be meant, is the foetus in the early months endowed with the ordinary capacities of leading the life of a man? Then it cannot be held to be so. But if as Bent for instance understands the word life, does the foetus exist in a state enabling it to resist preformation still more to carry on assimilation, it is as certainly alive at all periods of gestation. The great question however will always lie whether is the foetus capable of extra-uterine existence and whether does it show signs of age.
independent vitality. The first distinct signs of the latter quality is the propulsion of the nourishing fluids through its laby by the action of the heart. This was generally the heed before quickening; and is a proof that the foetus has passed higher vital endowments.

Many writers on Midwifery have restricted the name of abortion to those cases of expulsing the same which takes place before the twenty-eighth week or seventh month, all deliveries after this period are premature labours. This latter term must begin with the period during which the child is held to be viable. However, concerning this division may lie in obstetrics, it will scarcely be received in medical jurisprudence now in the beauty of the words chosen. Very stinking. It is not easy to perceive how labour coming on in the fifth month is not more frequent than that in the eighth. Its occurrence at these times are very often in currency that of foeticide. May be used where the usual abstinence in right human animalism.

We have wandered away from the question of the life of the foetus, and really do not see very clearly for returning to its early foundation, instead of which we shall pass on to the next division of labour. See Rigby, Midwifery, p. 60. Rodgers, their proofs and Logans, Traite de l'Art des Accouchements, p. 386.
Causes of Abortion

If it is proved that abortion has taken place, the next question is to be settled is what are the causes, vehicle led to such as result. As we have said at the outset that it may either be going to cause vehicle have acted without the intention, or acts of any one being deserving of blame, or to those vehicle have been put in motion with the criminal intention of suppressing the birth.

The consideration of the first of these causes is excluded in this list of the others yet in so far as it may be necessary to illustrate the others; and for the sake of completeness it cannot be left out altogether. In examining a case of abortion, as knowledge of the means generally employed by those who design to produce it, will not be sufficient without those which may be consistent with it. - No cause, as it is impossible to distinguish those from the other, without understanding...
bath. And in cases where any there is no evidence of any criminal design, its the same statement, that the accusation is not proven, is but a poor reparation for the shame and alarm which it must have caused, and through the victim is saved from the wrath of the law, its will not be thus freed from the whispering of vindictive suspicion.

Dugald Steward has wisely remarked that with most people, the only way to refute an error thoroughly is to trace it to its source. It ought to be the duty of the medical juris in a case like this to endeavor to find out the real cause of abortion, and to reestablish the reputation of the female the more thought and to allow prophylactic treatment to be employed in order to guard against the recurrence of a similar misfortune.

A number of divisions of the ordinary causes of miscarriage have been attempted, none of them are very trenchant.
Without pretending to a subtlety of which the subject does not admit, they may be viewed as comprehensible under two heads. The first of these is those means which act by change in the state of the mother; and the second, by alterations in that of the foetus.

To begin with the first, certain depauperated conditions of the general health of the foetus may woman may lead to abortion. Pitting, excessive sensibility, and irritability; hypertrophy and general weakness; the haemorrhagic scrofulous, and scrophulous diathesis seem to bring with them a liability to miscarriage.

It has been long observed that explicable mothers seldom come to their full term. Women who become pregnant before and after the usual childbearing time, are said to have a tendency to abort. Those who are very fat are also in danger.

*See Whitbread on Abortion p. 252 and Stirling's 333.
see Whitbread p. 377 and*
of a similar mixture, a peculiar condition of the atmosphere is believed sometimes to render it a real epidemic. This took place in Vienna in the year 1778-9, and has been frequently observed in all seasons, and during all states of the nation, both before and after that date.

A diseased condition of the parts more immediately concerned in reproducing the existence of a congenital defect in them is among the most common of all causes. Irregularity in the menstruation, abundant mucorhoidal discharge, diseases of the uterus, such as rigidity of its fibres, atony, stenosis, and adhesions of the cavity uteri, &c. addition of the different parts, tubercular formations, scirrhus and enchaphaloid degenerations, hydatids, polypi, and fibrous growths, &c. and disease of the uterine appendages. Among the causes which lead to produce abortion, the following according to Mr.*

* Velpeau, p. 389.
Whitehead* involves the most danger of its taking place.

Inflammation and superficial erosion of the lower part of the uterus. It is accompanied by a yellow discharge, sometimes tinged with blood. It generally causes miscarriage in the last three months of pregnancy.

Varicose ulceration generally in the back part of the anterior uterine. It may cause considerable muscular hypertrophy of the surrounding parts. It is generally accompanied by a mucopurulent discharge, often mingled with blood. It is more liable to interfere with gestation at the latter half of pregnancy, in which indeed it more frequently occurs.

Oedema of the uterus by the cellular tissue of the amnix becoming distended with serum, which utters escape now and then in gushes of considerable quantity,
It issued ulceration of one or both commissures of the anterior or posterior labia, producing a hypertrophied state of the structures around. It is most dangerous in the three middle months of pregnancy.

Induration of the cervix later.

This is accompanied by a discharge, which is of a yellowish colour if the surface be abraded, and of a whitish one, if it remain whole. This will most generally produce abortion in the third and fourth months of pregnancy. Disease of the cervix is peculiarly liable to be the occasion of miscarriage. The reason of this is, that after the third month of gestation, the cervix gradually disappears by distending becoming a part of the uterus, which then derives from this change a considerable increase of capacity. Any disease which has a tendency to interfere with the obliterations of the cervix, must on this account check the growth of the fetus.

Endo-uteritis, often accompanied with hypertrophy of the organ generally
leads to abortion in the first week of gestation, sometimes in the second and third months.

If uterine affection and prolapse uterus also cause abortion.

It may be brought on by gonorrhea, when it occurs on the lower surface of the uterus. It is followed by inflammation of a specific character, with a discharge similar to that of simple erosion.

Syphilis is a frequent cause of miscarriage, and as such has been already alluded to. In a secondary form it may remain and affect the uterus long after all traces of it have disappeared, and miscarriage may take place as a consequence of its presence.

Malformations of the pelvis, and the accumulation of foetal matter in the bowels have been frequently the occasion of miscarriage.
But of all causes the most frequent is leucorrhoea. In a former occasion, says Mr. Whitehead, in the valuable work already so often referred to, whilst employed upon a course of inquiry of the present character, I was frequently struck with the constancy with which leucorrhoeal affections existed previous to the occurrence of abortion, and that the discharge was invariably accompanied by a certain, well-marked change of local and constitutional disturbances, and sometimes with evidence of disease of specific character. On submitting these cases to specular examination, the source of the discharge and the cause of suffering appeared to be at once revealed; disease of the lower part of the uterus being found to exist in almost every instance. That this lesion of structure constitutes the true pathological seat of leucorrhoea, and of all its associated
phenomena, as well as a new frequent cause of disastrous events during pregnancy. This was especially directed to the uterine affection. The following cases of abortion, examined principally with a view to obtain a correct statistical statement, occurred in immediate succession; a careful investigation having been instituted in each instance.

Table X

Causes of and Condition associated with Abortion in 378 Cases

<table>
<thead>
<tr>
<th>Accident</th>
<th>Placenta</th>
<th>Cancer of the Uterus</th>
<th>Disease Membranes</th>
<th>Vascular Disease</th>
<th>Disease lower part of uterus</th>
<th>Absence Causes</th>
</tr>
</thead>
<tbody>
<tr>
<td>44</td>
<td>8</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>15</td>
<td>275</td>
</tr>
</tbody>
</table>
I'm seeking for causes to an abortion which is not of a criminal nature, it is well to remember that the condition of the father of the foetus may have something to do with it in many cases. Syphilis is a frequent cause, and the existence of this diseased state in him may be the means of detecting it in the mother. There is every reason to think that many more instances occur in which the male really destroys the ending he has produced.

Abortion Caused by Disease of the Uterus.

It has been remarked that in these cases, in which disease of the uterus is assigned as the cause of its premature expulsion, its slighted condition is generally dependent on disease or malformation of the organ of reproduction in the mother. I can state without hesitation that
As Whitehead that in five out of every six instances of what are denominated "blighted membranes", disorganized placenta, and hypertrophied or other abnormal condition of the membranes, organic disease of the uterus has been met with; and this on enquiry, was generally found to have existed at a period anterior to that from which the defect discovered in the aborted organs could reasonably date its commencement.

At first sight it seems difficult to suppose that the foetus could outlive any agent which might tend to injure it, and deprive all its nourishment through the system of the praecox female, can be subjected to any influences which might check or retard its growth, unless they have previously acted on the latter. On the other hand, it is clear that, dependent as it is upon the general health...
of the female, and in particular on the integrity of the uterus, for the mean of female development, any defect in either of these must tend to check its growth, or put a stop to it altogether. But if it is acknowledged that so many different organs in the body may have their separate ailments, what reason is there for thinking that this is not the case with the foetus in utero. Cold acts peculiarly on the lungs and heat on the liver, in like manner certain Morbific agents, which leave the organs of the foetus unafflicted, may act deleteriously on the foetal in utero. Certain Substances which may act slightly injure the system of the former, may, absorbed into that of the latter, destroy the tender germ of the new being. As the slight frost, which leaves the strong tree unblenched, may nip off the tender lilopsoms, which it leaves beginning to put forth.
That such is sometimes the case is a matter of very little doubt, or rather of no doubt whatever. It would present a curious subject of research for those who have leisure and opportunity to follow it out. There are some deficiencies of the foetus, which cannot easily be referred to diseased states in the mother, for instance the absence of the umbilical cord, or spinal cord. Congenital absence of limbs has been noticed by Prof. Simpson to depend upon bands of coagulated lymph strangling the growing member. And what reasons have we for supposing that, although these may arise causes sufficient to impair the growth of the foetus without any constitutional or uterine disease of the frequent female, there are none which can check it entirely, and cause it to be expelled from the uterus? These who avoid considering diseases of the womb as a cause of abortion, might with nearly as much appearance of
reason it is out a number of diseases conditions in the female, in women in the child, because they might be referred to some defect in her parents.

It would appear that almost as many ailments as man is subject to after he enters the world, may affect him while still in the womb of his mother. We are not known to well informed of this in respect to this ante-partum division of pathology. We are however sure that they afford a frequent causes of miscarriage, especially in the earliest months of pregnancy. Out of two hundred and one cases, sixty had been expelled before the

Depuis que je m'occupe d'embryologie avec quelque suite, j'ai observé plus de deux cents produits, qui n'avaient pas dû passé la terme de trois mois. Or je puis affirmer que sur ce nombre il y en avait au moins la moitié de malades.
end of the third month, I suppose found the half at least to be diseased.

Degenerations of the placenta are common and often lead to abortion. They are of all kinds. If the placenta happens to be placed within its centre over the os uteri, it is sure to take place before the fifth month is past. It may however not occur till the seventh or eighth month, if only a small portion is extended over the lower orifice.

Diseases of the membranes may have similar effects. Dropping of the Amnion, accumulation of fluid between it and the chorion, degeneration of the latter, decidua have been observed to prevent the foetus remaining in the uterus the full time of gestation.

Feces in the head, belly, and hand of the foetus have been observed, and pathological changes in almost
every organ in the body described. How much these may be owing to deficiency, in either parent, or to special affections of the foetus itself, we are not in a condition to decide.

When the foetus has lost its vitality, it is generally expelled from the womb at once. Sometimes this does not take place till a few days, after, and numerous cases have occurred where it has remained in the womb for months, and even years. In one case it remained as foetus was retained in the womb for fifty-two years.*

It is not easy to say decide, how far the numerous diseases we have mentioned, were really the causes of abortion. Almost all of them may continue during pregnancy without producing it, and on the other hand, miscarriage often

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* Refers to a case where a foetus was retained in the womb for fifty-two years.

‡ Medico-Chirurgical Transactions and Vol. V.
takes place without any one being able to account for its occurrence. In many female
pregnant, labour never fails to follow conceptions*. There appears to be a con-
stitutional tendency to abortion, a certain irritability of the system, under which the
most trifling exciting cause may produce it. Women subject to this predisposition are,
says, Denegre, generally delicate, thin, and
meagre, little accustomed to fatigue, and
even to exercise, leading an inactive life.
They generally belong to the upper ranks;
and it is not very likely that they should be accused of the crime of abortion. Even though of women of lower stations might be found in the same condition. A knowledge of the different maladies of the female system which may tend to cause miscarriage are here very useful to the medical jurispr. If a doubtful case happens, he must examine the state of the mother, endeavour to find out if she has used any suspicious medicines, and in what manner and under what circumstances the premature birth took place.

In examining the bodies of women who have died after delivery, the morbid appearances met with may inform us, what really occasioned it, and the use of the speculum and diligent enquiry may also elucidate some important facts, whether the female is alive.

In a strictly legal point of view if it be proved that criminal means have been had recourse to, to clear the uterus of its contents, it is not necessary to
establish, what has been the real cause of miscarriage taking place, but it is easy to perceive, that in a great many instances, this will be of much importance.

It is important to have some idea of the relative frequency of criminal and non-criminal abortions. On this point we derive much information from the lectures of Miss Whiteside. Of two thousand women in the Manchester Lying-in Hospital, interrogated by him, 7,471 hundred and forty-seven had aborted at least once. The proportion of their pregnancies which had ended centrifugally was about one in seven. The following were the causes to which they had been attributed:

- "Inward leaching," impaired state of the health generally. 911
- Accidents. Mental perturbation. 4. 222
- No assignable cause 90
- Whitehead on abortion 245
- id 254

This is Miss Whiteside's own addition.
If we consider that accidental circumstances are fully as likely to produce abortion, as any generally believed with as criminal intent, and that it was much more likely that those women should assign blame to the agency of slight injury, or frights than to constitutional cause, as is indeed the custom of the generality of people in all their complaints, Mr. Whitbread's tables would seem to prove, that artificial means of abortion, which are in the power of art, are not nearly so successful as those of disease. There is every reason for taking such to be the case. But nevertheless the success of criminal operations to destroy the foetus is probably fifty per cent in general it imagined. Some authors admit the deep possibility of such abortion so judiciously, that one might suppose it was quite or uncertain whether they had ever been accomplished. One thing of which the latter can be
no doubt is, that the attempt is often made both in this country and on the Continent. Cases of abortion are frequently asked for drugs to procure miscarriage, without any attempt to conceal their destination. If we may believe Dr. Bartley, there were or there were in 1815 people in England who made a trade of inducing it, and in public advertisements, in letters and guarded terms, direct where they are to be found. It is difficult, indeed impossible, to ascertain what sort of such people may agree. It is only the cases of failure, that come to the knowledge of the medical man. If the end desired be attained, the matter goes a secret. Indeed many of these cases where the death of the mother has been the consequence of the attempt, never see Taylor
Medical Jurisprudence G. W. Bartley M.D. 1815 A.D.
come to the care of the medical juris. I have seen tots of two of that kind myself.

Some account of the practice of those, who gain their subsistence by destroying preg-
nancy in Constantineople and Cairo, would no doubt throw some light on the question.

Where the operation has been undertaken to save the life of the mother, it has been
already seen that it has been pretty
successful. But we must not suppose
that it is equally so in criminal case.
It is always one of great difficulty, requiring
the most thorough knowledge, and the
most practiced dexterity, and those who
can be bribed or persuaded to try it for
a criminal end, are mention Johnson,
now Ramsdotters.

& equivocal Cases of Abortion

Many miscarriages are brought about
by means which are so equivocal, that
they may puzzle all the acuteness of the
medical juris. They may either be
owing to the ignorance or meagrip of the
mothers, or her being advantage of taking
with the design of freeing herself from
the burden this has in her womb.

Thus, if a woman with child goes
much about, carries heavy loads, suffers
any toilsome labours, and miscarriage
follows, the question may be asked, has
this been done through imprudence or ignorance
or from criminal motives? Cases like
this are continually occurring, and such
ambiguous means of abortion are very
numerous. All violent exercise, such
as jumping, dancing, riding, raising weight,
all affections which induce straining
the respiratory muscles, as tenesmus, wrat
ning, coughing, and even laughing, long
wattling, tight lacing, indulgence in
spirits or cigars, and stimulating diet;
and many causes of a similar nature
are all understood to be able to occasion
abortion in those who have a constituti
cal tendency to miscarly. There is no
doubt that, these under ordinary circum
stances. Most of these exciting causes would be quite ineffectual to frustrate pregnancy. Indeed it is contrary to the case what women would carry their offspring to the full time; we often see women take a great deal of violent exercise, without a noticing any ill consequence, as Haller has remarked. The women of Jugglers of Mountebanks are obliged to leap and dance about continually, and yet according to him they are not more liable to miscarriage, than other people. In the same manner women of rank often dance and ride (I am still quoting Haller) and poor mothers are obliged to work in the fields and yet they generally do so with impunity.

A mother, the excessive indulgence in which Metzger has stated, is, I believe, and mild gepflogener Beforderung has been universally condemned.

*Forlesungen
and is insisted on at great length by the older writers on the subject. Schwering, in any case, knows he is aware of many instances of husbands who were "incautelius et luxurieus, faci ad pacem locurit, propter abortum, eorum faverunt causa necis."

It is not however always attended with such pernicious effects. Mauriceau qui defend l'exercice et le doit vers la fin de la grossesse, et qui n'a point ets de enfans en 40 ans de mariage, est combattu apez Malignement par Dionis. "Prenons, dit le dernier auteur, qui a une femme qui a ete grosse vingt fois, et qui n'a donne aucun enfant, dont elle est accouchee de leine et heureusement; je suis persuade que les causes du mari ne pataient rien."

C'est donc comme ades Velema.
C'est donc purement dans le sens poétique qu'il convient de prendre ces vers de Tillet.

Pour conserver le fruit de nos chastes plaisirs,
Rappelez désormais vos amours légers.
A ce feu qui vit en vous un autre feu peut mettre,
Et ce que l'Amour a fait, l'Amour peut le détruire.

D'autant plus que, d'ailleurs, il est évident que, par le siège des organes, les propriétés de reculer l'accouchement peuvent être facilement perturbées.

Rüttner in his excellent book on Child-m��ke refers again to the effect of the expression of the condition. He thinks this method of absolutely employed is almost infallible. According to him, it is not the confluence of the matrix abdominis, but the irritation des innomais Müllerian...
which is sometimes produced with criminal at intentions, by the introduction of the finger, but in the case of the poisons being expelled.

We can easily imagine artful females abusing these means in order to get rid of their pregnancy, and it would be difficult, perhaps impossible, to prove that their intentions were criminal.

Under these circumstances and a great many others as guilty and crafty women might succeed in destroying her offspring, and escape the censure of the law, as well as that of society. But in our desire to punish the guilty, we must not be induced to run the risk of confounding them with the innocent, and punishing them both indiscriminately.

A case very much to the point is given by Sir William J. in his well known paper on the certainty...
of the signs of Murder in the case of bastard children. A married lady of good fortune and family, who was considerably advanced in her pregnancy, went out followed by a maidservant to take a walk. She went along the street and resolved to cross to the other side for to walk on it back on it for a little variety, when she perceived a coach driving along at a considerable distance. She had plenty of time to get to the pavement as it arrived, but she became agitated and confused, attempted first to cross to one side and then to the other, and was knocked down by the coach driving up as she could get out of the way. Then she was saved but the accident caused the death of the child. Now if instead of happening to a married woman in easy circumstances, this had occurred to a poor girl, the victim of seduction, would it not have laid her under the suspicion...
of planning the destruction of the child she had not yet borne, at the behest of her own. Would not many people have thought themselves justified in putting the worst construction on the accident? A similar event may often later place.

The moral evidence is here particularly valuable. If the woman be married, the probability of her case trying to get rid of her offspring is greatly diminished. The Austrian Code, as we have seen, punishes abortion in a married woman with greater severity. It is a curious fact that unmarried females, who have become pregnant, are more likely to meet with miscarriage, and have stillborn children, than married women. Thus according to Professor Jörg in Leipzig, the number of legitimate children that were born was 1131 of those stillborn 45 illegitimate 249

Die Zwerchlingsfältigkeit der Schwangeren und gebärenden beobachtet in Leipzig 1835
death, 28. The ratio is in legitimate 1 to dead in 28 to illegitimate 1 to 13.

It may be observed whether a woman who has brought on miscarriage by more exercise, was accustomed to exact herself as much as she did at the time of the assumed exercise, and if not what motives induced her to put herself in danger by doing so.

If she has not concealed her pregnancy, it will make clothes to prepare for the child, the chance of her guilt will be diminished. If the abortion takes place, where concealment is not possible under circumstances which would conceal her, we may presume her to be innocent.

The examination of domestics or people who live in the same house with the accused, may elicit important information. We may therefore conclude that the woman inquired about the means of
Causing abortion, or whether the pregnancy was suspected. For
from the size of the foetus it may be inferred, whether she could
be ignorant of her own pregnancy.

But these accidental causes which may injure the gravid uterus are more likely to lead to difficult questions on the criminality of those through whom they were allowed to act. Thus it is well known that a blow or kick on the abdomen or has a strong tendency to cause a woman to miscarry; indeed a blow anywhere may have this effect; or anything which affects or agitates the gravid female. The falling of a tooth, and the explosion of artillery has been known to cause abortion. When a woman has miscarried through the brutality of her husband, or any other man
it may be difficult to determine whether the blows were given out of mere brutality, or with the direct intention of Causing abortion. In 1811 a man was executed at Stafford for using violence to his wife, with the intention of destroying the fruit of her pregnancy. He rolled over her and elbowed her in bed, so that in consequence of this treatment the woman miscarried and died soon after.

Casperius gives an instructive case which occurred to him. Staying to examine a woman who had miscarried from a blow she received in the street, he found her in bed; there was an ecchymosis on the left eye, and she suffered at times from pains in the abdomen. The pelvic parts were slightly swollen and covered with blood; the womb occupied more space than usual. The orifice was relaxed and dilated and a considerable quantity of blood flowed of which had coagulated.
flavored from it. The Mammas were a little nervous, but no fluid escaped from them. I'm a reason, a trap was found, which on inspection proved to be an enema of about eight lines in length. Immediately after being struck the lady went home and retired to bed; a surgeon was called who bled her but in spite of every precaution labour had come on. These circumstances excused her from all blame in the transaction.

In another case given by Bellot the woman after some violent usage from her husband instead of getting assistance and going to bed had had walked for more than a league to petit bois and on the next day although troubled with a pain in the loin she had walked a considerable distance to reap but near a wood at the place was reighd with laboring beings which it was difficult to say could be attributed to the influence of the wife. 

Cours de Médecine Légale p. 81
Surgical Means of inducing Abortion.

The means which are most commonly employed to expel or destroy the foetus, are most of them ineffectual in fulfilling this intention; but unfortunately, they are often highly dangerous to the Mother. Innumerable cases have occurred where women have perished from drugs administered in order to save them from the chance of giving birth to illegitimate children, and many have remained unknown to the world, being concealed in order to save the fair fame of the accused. Some of the means employed have scarcely any action on the frame at all; and of those which are of a more powerful character perhaps none in common use will produce abortion without putting the life of the Mother in imminent danger. There are no specific abortives which act upon the
items, in to make it free itself of its contents, in the same manner as diuretics act in stimulating the secretion of the kidneys; at least none which are certainly known to do so. It is not easy to understand how the contrary impression has gained, and kept hold of the popular mind.

The following account will be found to comprehend most of the substances which are generally believed to be abortifacients and the different methods generally employed in order to avoid pregnancy. The account of Beek has been adopted with some slight alterations, and under each substance it is detailed the proofs which may be expected in most cases where it has been employed.
Blood-letting

One of the most common means is blood-letting. It has been employed in
different forms. Sometimes the woman will persuade a medical man or
some other person to bleed her at the arm, and when the blood is stopped
the flow after a moderate bleeding will secretly remove the bandage and
open the vein again. The man will bleed herself, or get somebody else
who knows her intentions to do so.

Besides. The top of blood from a vein in the lower extremity is
vulgarily believed to be particularly offensive, in causing miscarriage and has been
often resorted to in Germany.

Occasions have been applied to the
dense perhaps with the view of with
drawing the blood from the uterine vessel
through the haemorrhoidal branches of
the pudic and internal ilia.**
have been placed upon the thighs in order to cause a derivation of blood more directly. The Co.

The loss of blood is believed to act by causing great delirium and exhaustion as condition favourable to miscarriage. Numerous instances have however shown that bleeding may be pushed to dangerous lengths without apparently injuring the fetus in the least, and though the impression that it was capable of causing abortion is as old as the great father of medicine himself, during the long interval between his day and the present no satisfactory proof of the general belief of this plan has ever been afforded. On the contrary as has been already remarked it has seldom been observed to follow even profuse local blood letting, which however are not often used in pregnancy. Van Swieten, Ray

See Hamburger, Ποιηεί τε σερποτζί Ελαθόνο
ο ἰσθάντων τιν έχεται 'Εκτίτως και καὶ
he had met with many cases where women, who believed themselves to be
bled in the foot, had failed in accomplishing their criminal design.
Guarnerius gives a similar testimony. Mauriceau mentions the wife of a
surgeon, who was bled eighty-eight times during her confinement, and
another woman, who was bled nine times. Yet in neither was the regular
period of pregnancy shortened. Jansell bled his own wife forty-eight times,
but she bore a living child at the usual time. De la Motte gives the

\[ \text{\textit{See Faderé vol IV p 426}} \]
\[ \text{\textit{Vidi multas utra gerentis fortissimis Medicamentis, multique venae sectae}} \]
\[ \text{\textit{Cruciatus, et nulla abortum fecit}} \]
\[ \text{\textit{\# Faderé IV p 425.}} \]
\[ \text{\textit{11 Tachau vol I 397}} \]
\[ \text{\textit{26.}} \]
case of a woman, who was bled eight seven times, during the five last months of pregnancy, without in any had effects. Baudelocque asserts, that two women, one of whom, bled of ninety, and the other forty eight times, comes to their full time without any accident. He also states, that she succeeded in averting premature labour in a woman, in whom the os uteri was already dilated, by means of two bleeding at the arm. Dr Rush states, that not one woman who was treated for yellow fever, during her pregnancy, of those affected in the year 1793 were miscarried, although bloodletting was used pretty freely. One was bled eleven times, in seven days, another thirteen times, and a third seven times during the attack.

* Ant des Accouchemens § 2120
Free Beek p 254.
We have many instances of women with child, enduring violent shock, accompanied by copious loss of blood, and no miscarriage following. At the winter of 1853-4, Prof. Syme performed amputation on a woman, who was delivered safely, a considerable time after, and he stated, that even if he had been aware of the circumstances at the time, he would not have delayed the operation.

We must not however suppose that full bleedings have no effect in hastening labour. They must always be a symptom, where there is a constitutional tendency to abortion present. Millet believes they often produce it. Jütter is of the same opinion; Dr. Jäger gives


of cit. § 95.
a case where miscarriage was produced through overfrequent blood-letting. One can easily perceive that its weakening effects have a strong tendency to produce bad results. Baudeloque gives the case of a woman who through hunger and exhaustion was already in premature labour, and in which case, checked by the cautious administration of nourishing food. There is little doubt that a similar blood-letting would, in this case, have produced a similar effect. It has been asserted that in a woman who is pregnant and is in danger of miscarriage if the linerside, at the termination of this care is little proof. If the application of leeches to the regions around the Colica stated by P. L. Roquequet and Rappunus to be more effectual, but no instances of

Dr. Jüger Dip de factibus recessus nat. Dr. Schleid
Coll. jur. vol. 11 p. 24
* Foddei IV p. 422
P. L. Roquequet p. 348.
its success are given. I

On the whole we may say that
although bloodletting once does, sometimes
act as an exciting cause of abortion
where a constitutional tendency & it
experiences there is no proof that it will
deprive it under ordinary circumstances
those who employ it have a much
greater chance of destroying the mother
than the child.

When proofs of bloodletting taking place are required
whether it has been used with a criminal
attention, the mark of the lancet will
remain; but if the woman has been
already bled often it will prove little.
unless the examination taken place in
mediatrix after the resuscitation. Appearance
of blood about the chamber and
on the clothes of the accused will be
suspicious, but not prove much. If
the application of leeches be suspected
the mark of their triangular bite may
remaining about the thighs. We must
also note whether there are any symptoms
of her being in an acaemic state.
&

emetics

& metics are also believed to have a tendency to produce abortion. We may readily understand how this happens; when all the muscles of respiration are acting with their utmost force to force the stomach of its contents, there must always become danger of the vapors rising. The stomach, forcing out its contents, is subjected to the great depression which emetics to produce must also exert in being it about. Schenck gives an instance of a woman who produced miscarriage from taking accidentally a strong purgative medicine. In this, the child was born. Numerous instances render it have actually failed. M'cllaid observed a quack give emetics at all periods of pregnancy without any miscarriage. Velfeau was consulted by a girl who had taken fifteen grains
of tertian erysipel. The lad "he says 'exiting accompanied with extreme retching, but "pregnancy continued its course."

We have thus led to pass to similar need oft'en aggravating, to think which we gave in speaking of abortion.

The proofs of their being used will generally lie of a direct nature. Circumstantial evidence may however be afforded, if but of the erysipel used is discovered, or if it is proved that the accused purchased one. They ought to be called for what purpose it was employed.

Erysipelis

A great number of preservative medicines have been alleged to have peculiar effects on in expelling the poison. They are dangerous, by producing lassitude and afterwards exhaustion. The stronger Cathartics such as Croton oil, Rhoeas, Colocynthis, jable

Economy &c. have often been used for this purpose. The Reece Maj
and Minor are said, by it, also to be used in Switzerland with the same intention though without effect. They have all very little power of furthering the purpose for which they are intended at least in the generality of cases. According to Beck, several women who had been in the habit of taking Brandeth's pills, a purgative nostrum used in the United States, during their pregnancy but the precise composition of the mixture was probably not known. If these had any constitutional liability to miscarriage the administration of large doses of purgatives will be attended with some danger. Dr. James Johnson states, that in his experience a very moderate dose of Senna and rhubarb has caused a premature delivery. A market crier mentioned to Zittmann & Co. that in causing abortion in a woman who was of a purgative dose. These crowdings which act on the uterus seem to have the most chance to lead to this. See Beck p. 255 note. F. Medicus. "Clinical Review" vol. 17 December of resolving on Beck 256 note. 4th Cent. IV. p. 64.
Dietetics

These have also been included in the ill-reported in Materia Medica of Criminal Abortion, and with about as much reason as anything else. Numerous instances have occurred where physicians have mistaken pregnancy for dropsy in the lower abdominal region, and treated the fancied malady with the most active diuretics without any effect. One might almost imagine that those who employ it for procuring miscarriage are victims of a similar mistake. In the case of this kind of injury in the Edinburgh Medical Journal and observations a woman who had ascites was treated, and eight points of fluid extracted in the next two months; eight more were taken. During all this time, she was freely piled with diuretics and cathartics, but never asked after the
was delivered of a healthy child at the full time.

The use of Dimetec, whose no therapeutic object was, described to be suspicious but, without any collect evidence, would be of no service in establishing an accusation.

Irritants and Narcotics. Irritants

There is reason to believe that a great many substances, which have been known occasionally to produce abortion, only have this effect from the irritation they produce in the intestinal passages. It has been remarked that these bodies, which more frequently affect the rectum, may if given in large doses produce abortion. There seems to be some sympathy between the liver and the intestine, by which congestion of one may lead to muscular action in the other. Abortion has frequently been observed to arise from depressive aid
in most cases where it has taken place if the mother dies, as generally happens, inflammation has been observed in the abdominal viscerae. For this reason I have given some substances which Beck regards as diuretics under the head of irritants, for if they ever produce miscarriage it is by their irritant properties alone.

The most important of these is 

Centaureia. This substance is derived from the C. centauriae vesicatoria and other insects of the same class. Its active principle is a herbicidal tussar which is called centaureine. It is used both here and on the Continent not only for attempting miscarriage but also for its power aphrodisiac properties. It has often produced the most fatal results when given with other ingredients. It has certainly been found capable of bringing on premature labours, but can never lead to this if used given in doses which would act most
dangerously on the intestinal organs. The ignorance of the parties using it combined with their eagerness to procure the desired result often prompts them to take it in quantities which must be fatal. Mr Lucas of Leeds mentions a case where a woman took a draught of powdered Carthiaceas. This was followed by pains in the womb and great distress. But the object was not attained for the child was not delivered till her full time five months after. Dr James Johnson mentions an instance where an attempt of this kind was successful. Dr Spilsbury mentions a woman who took two doses of twenty-four grains with the interval of a day between them. It produced violent irritation in the bowels and urinary organs, and on the fifth day Miscarriage took place.

*Beck 256.*
The administration of & antidotes will be in most cases easily detectable. The symptoms according to Christianz are a burning pain in the throat with difficulty in swallowing and oftenconstriction to liquids. Sometimes calamine is used to cause irritation in the stomach often accompanied by vomiting of blood or black. Christianz mentions frightful colic and great pain in the hypochondriac region and copious saline defecation. Its effects on the male organs of course are need not be here mentioned. The system does not always escape the effects of this poison headache, tetanus, convulsion, and delirium have been observed.

If the quantity given is less than which is generally the case, where it is given to cause abortion its symptoms are:

*Christianz and Opiz are my principal authorities where I treat of poisonous substances.*
would be easily recognised. If the patient dies the fragments of the elytra of the flies may be found adhering to the stomach and may easily be recognized through the microscope. They will remain undisolved for many months. The omentum, peritoneum, gullet, stomach, intestines, kidneys, uterus, and internal points of generation are generally inflamed; the last left frequently.

The presence of &c. anticoagulants would be a suspicious circumstance as a knowledge of its real or fancied qualities in producing abortion in cases is generally affixed. And on careful search it is not incredible that some of it or fragments of the flies will be discovered about the room where it has been taken.

It may be well to remember that the energy of its action on the human body would appear to be materially affected by idiosyncrasy. Wallhof has mentioned a case in which the adven
of the powder was sufficient to cause
eruption and emiction and backgenus
a case where six doses of the
tinctures produced no bad consequences.

Arsenic singular to may this one
of the deadliest of all poisons has been
occasionally administered in order to destroy
the foetus, without any bad intention,
being harboured towards the mother.
We have already mentioned the
case of Charles Munn who was
tried at Surney in 1824 for the
crime of inducing miscarriage in
a girl by means of arsenic. In the
returns of death by poisoning for the
year 1837 and 1838 there is one case
of a pregnant girl who took arsenic
to procure abortion. Schurigius gives the

*see Edin Med & Surp Journal vol 53
mentions a young woman who lived near Berlin who took nearly a drachm of white arsenic which caused enormous vomiting and other bad symptoms; the next day she was admitted, miscarried of a child five months advanced, and on the morning of the third day expired. Arsenic causes violent inflammation in the stomach it may in this manner indirectly affect the uterus.

The symptoms and means of detecting this poison are too well known to call for any detail of them in this discourse.

Cinchona has gained some distinction as a means of producing abortion botte in India* and in Germany† though it has not as yet been successfully in our country. In large doses it is a narcotic—irritant poison.

The Sedum Palustre* and Euphorbium have also been supposed to possess similar properties.

* See Ainslie Materia Medica vol. i p. 351
† Metzger § 288.
‡ Helveticus Freind & Emmerich p. 218.
Ⅰ Helveticus p. 433
It has been known to produce abortion although it is not used in criminal attempts. Paris in his Medical Jurisprudence gives the instance of a procuc twife in Edinburgh who swallowed by mistake a handful of nitre and which was soon followed by abortion in less than half an hour. Sulfate of Potash has been used in France in order to cause miscarriage.

White Helbene

The veratrum or helbene is a narcotic instant poison and has been several times used with the intention of causing abortion. There is no proof that it does so, but it is a very dangerous substance. The symptoms of poisoning by it according to 22 histion are burning in the throat, gulpet and stomach, followed by nausea, epistaxis vomiting, giddiness, blindness and dilated pupils. In fatal case the gulpet & stomach was

Paris and Franklau: Junlt 17 794
Emmenagogues.

Of all these perhaps the most commonly used is Jannine. It is derived from the juniperus salicina. It is boiled in the form of powder and in that of distilled oil. It has produced abortion in many cases. But the idea that it has any specific power in exciting the contractions of the uterus is quite groundless. It is the basis of Diurnikes; Galen too speaks of it and says it destroys the foetus. It is used with this intention by Negres in the Isle of France. Like the other drugs already mentioned it never does produce such an effect without exciting the most severe and dangerous action on the other parts, especially the intestines, and if it frequently fails in affecting the

Dictionnaire Matrie Medicale, vol III, p1690
elims in the least degree ever taken later in very large doses. I observed some very striking illustrations of this. A woman says she took every morning for twenty days a hundred drops of the distilled oil of juniper, without any injury and without prevention her being brought to bed of a boy at the ordinary term. In 1790, in the county of Chester, a poor girl who was sick in her intestines, when she had been pregnant for seven months, was allowed a goblet full of wine, in which there was a strong dose of laudain in the form of powder, which her husband had given her to take. She was so violently affected by it, that the matter attracted the attention of justice, and I was required by the magistrate to make a report of the case. The patient told me that after having been allowed the drop she had felt a violent heat in

* Vol IV p 480
her bowels accompanied with hicouge and vomiting, which were followed
by a violent fever that lasted for
about a fortnight. These symptoms were
however dispelled by the use of some
beverages, and the girl, who was kept
in retirement by the order of the judge,
was not delivered till two months
after, enjoying all this time her own
and the child perfectly good health.
All cases do not turn out so
favorably as this. Numerous instances
are on record where death was judged
by canine poison for the criminal purpose.
The symptoms and method of detecting
the drug after it has been administered
will be best explained by detailing one
or two cases where it was employed.
These are often fatal but of four mention
by Taylor the mother died in three without
accomplishing their object. The same author
gives one instructive case. A female seven

Taylor on Poisons p. 556
months advanced in her pregnancy she suddenly seized with vomiting. The ejecta matter was of a green colour. This was on Saturday; it continued during Sunday and the evening of which she was seen by a medical man. The symptoms were inflammation of the stomach and intestines great anxiety, and pulse 150. Labour came on the Wednesday. The child was born living but died soon after birth. The woman died the day after delivery. Marks of inflammation and eclampsia were observed in latter, along the tract of the intestine. The mucous membrane of the stomach appeared as it were injected at some places especially at the left extremity but there was no ulceration. The interior of the duodenum especially towards the pylorus was intensely reddish inflamed. The peritoneal covering of the upper part of the intestine and omentum showed some marks of inflammatory action. The kidneys were
inflamed and of a dark colour. The stomach contained nearly eight ounces of greenish fluid; and there was also some found in the duodenum. By washing out a portion of the vegetable matter and placing it under the microscope the disc-like silver film characteristic of the conferees were observed. Another portion was made by holding up to drying to show the peculiar tunnel of calcium. The quantity here taken must have been large. Taylor estimated the quantity still remaining in the stomach in spite of the frequent vomiting at from twenty-five to thirty grains.

In a case reported by Dr. Smith, Town and June at eleven hours taken and the patient was found insensible right hour after its administration on his back breathing naturally. It was at first supposed the case was affected with juncups.

Sauceau June 14, 1845, F. & J. Smith in Taylor
conclusions. Saloon came on and the body delivered of a child, which was dead. The body was examined twenty-four hours after death. The brain was gorged with blood, the stomach filled with a dark green liquid. At one or two points where it was red. Two ounces of a dark green liquid were found in it. This, on being distilled, gave an opaque from which a few drops of a yellow oil were derived. By means of other the sediment in a bottle that had contained the oil was found through the microscope to present the characteristic appearance of the family to which the substance belong. In this instance its narcotic qualities were very distinctly shown.

If the substance has been given in the form of powder, it will be very difficult of detection. Some interesting examples of the fresh method of detecting it are given by Professor C. Christiansen. In a case which occurred to himself...
six days after the taking of the drug through
there was much vomiting, some of the
powder was found in the stomach
and proved to be of a vegetable nature
through the microscope "by the rectilinear
course of the fibers and the terpentine
cells."

He gives another case which was
communicated to him by Professor Macall
A servant girl after being for some
time in low spirits, was seized with
violent colic pains, frequent vomiting
"staining at stool, tenderness of the belly
hyperxia and general fever; under which
symptoms she died after several day
of suffering. The stomach was inflamed,
its parts black, and at the lower
curvature perforated. The uterus with
its appendages was very red, and con-
tained a fine Morilmana, decided ant
no cure. The colon intestines were
inflamed. There was found in the stomach
a greenish powder, which, when moistened
and dried, had the taste of camphor. It was
A rotten instance was reported to Dr. Christian by Mrs. Cockson. A female wishing to escape pregnancy, applied to a pedlar who made her take a strong infusion of the leaves. She died this Friday and Saturday. She was attacked by violent pain in the belly and strangury and died on the Thursday after. On examination there was found extensive peritoneal inflammation indicated by the offensive of fibrous plates. The uterin presented all the signs of recent delivery; the inside of the stomach a mass of a greenish color. Fluid was found in it, and the presence of a vegetable substance was proved by microscopic examination.

Wilsen in his work on the effect of medicines and poison speaks of a

*Wirkung der Arzneimittel und Gifte* vol. III p. 376, quoted by Dr. Christian. I have not been able to procure this work.
woman took Karine to induce abortion and died by the gall bladder bursting during vomiting. According to *Murray* gives another fatal case through the drug taken with similar intention. Professor *Trail* mentions one which took place at Wals in Somersetshire in 1837.

A trial occurred in 1808 which created much interest. Charles *Dyos* was accused of the murder of Mrs. Burns his housekeeper who was suspected to be pregnant by him. It appeared from the evidence that in the morning she became very sick and complained of great pain. The vomited much of a dark matter & the product of the latter vomiting was observed to be green; and according to one witness pieces of a yellow smaller substance were observed in it.

*Murray's Medicaminius* Vol. I p. 59. I have not been able to find this passage at the place indicated. It does not exist in the edition of *Murray* that I have consulted.
Her ejection continued for two days and on the third she died. On dissection, an opening through the coats of the stomach was found in the anterior inferior part of its curvature. Through this several ounces of a dark colored fluid issued. There were no marks of inflammation near the aperture but traces of it were detected on the peritoneal coat of the small intestine. The womb was found much enlarged and the part to which the placenta had adhered was very visible and measured about an inch in diameter. The uterus and vagina were dilated. The esophagus, chest and head were not examined. The appendages of the uterus were only examined after the trial when a Corpus Luteum was found in the ovaries. On suspicion of having given her some poison by to cause abortion Charles Angus was tried on the 1st and 2nd September 1868. He was acquitted principally being th
the evidence of Dr. Carson who appeared in his favour. This gentleman although he was not present at the examination of the body heat down the testimony of those who had been there in a very ingenious manner. It was his opinion that the appearances on the stomach were owing to post mortem digestion. He remarked that there were no symptoms of corrosive poisoning. The appearances of the uterine he maintained proved that no foetus had been expelled. If it had proved the placenta had been carried away uterine haemorrhage would have either killed the woman or left large coagula. This abnormal condition of the uterus he accounted for by the growth of hydatids and their extrusion would have relaxed the uterine and vagina.

There is reason to suppose that the cause of the death of the unfortunate woman was owing to a large dose of strychnine probably given in the form of decongest. In the symptoms, the

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Matter vomited and the appearance on dissection confirm this view. It was a matter of regret that the dissection examination of the body had not been more perfect and we may perhaps be excused for supposing that where there were no signs of any neglect in their several symptoms, what ought if the poison taken to have been canine ought to have occurred may have been overlooked. The principal argument against this view is the absence of inflammation in the stomach and intestines. But the perforation observed in the former was probably only to the same cause as that in the case given by Professor Treadle. There were no marks of corrosion on the stomach as canine cannot be called a corrosive substance, and the presence of the peritoneal inflammation is an accompaniment of poisoning by this substance which has often been noticed by toxicologists. The fact of the urine being excised is another
link in the chain of evidence, whether it expelled a fetus or hydatid. And whatever was expelled the crime was punished by law.

We have given the means of detecting the substance along with the cases it protect alone. If found in any one profession or ulcer of causing abortion tested it would tell much against him. It is says a historian in his excellent work on Toxicology, "a good deal used in medicine for stimulating old ulcers, and keeping open blistered surfaces" it is also used in some parts of England as a remedy for worms. An old ulcer is a thing not to be got at once but unfortunately quinine is used as an emmenagogue and is as Dr. Pennia states, the most certain and powerful in the whole Materia Medica." This will furnish a plea to any one of average acuteness which he may escape the imputation of crime.
In a case tried at the Cornwall Court House, 1842, a medical man was accused of bringing on abortion by means of pareira. He had given 414 drops in three doses daily and this was declared by the medical witness to be an overdose. Pareira allows a drop to be given at a time. He stated he had prescribed it as an emmenagogue but was found guilty by the jury on the ground that he must have been aware pregnancy existed.

Pro

The Paree paree grandclens is a well-known abortive drug particularly in France, and seems to have as much title to be so as any, although Bock who generally builds in everything into his book has omitted noticing it. It may be classed as an emmenagogue.

*See Taylor's Manual 4th edition 1842*
although in large doses it is a narcotic irritant. It is the Teu for many. and M. Helie has given three very striking cases to prove that the qualities they assigned to it, of expelling the foetus, are not fabulous. Its powers were also known to Hindus. The first of M. Helie's cases was a young woman of robust constitution who had lab at the age of sixteen a difficult labour. She smiled above the fresh roots of the plant, and boiled them in one and a half pounds of water, down to three cupsfuls, which she took in the evening at one draught. After severe symptoms the foetus was expelled, an the evening of the second day forty eight hours after taking the draught. She was not confined to bed during all this time, and the unpleasant
symptoms went off in two or three days. It is not stated how far she was advanced in pregnancy.

The second case was of a more severe character. A young woman had retired to a farmhouse to conceal her pregnancy. She there took a decoction of the leaf of the rue, the strength of which could not be discovered. In 4 days she was called on to attend her, and found the symptoms of poisoning but did not discount what it was, some blood had been taken until she had been delivered. After cutting her loose in the morning M. Helio noticed the characteristic odor of rue. After lifting the bed clothes he found two dead children of six and a half months between her thighs, and she had mastered the pains of labour so well that several individuals in the room had no suspicion of its occurrence. The symptoms of poisoning continued for about four days after and their ghastly fever attacked her heart.
after a considerable time she recovered.

The third case was that of a girl four or five months advanced in pregnancy who took the expressed juice of the leaves of the plant and miscarried six days afterwards. The symptoms of poisoning remained for twelve days more, and she only recovered by degrees.

Dr. [illegible] supposes that this property resides in the fresh juice of the plant and probably disappears on drying. The symptoms observed in these cases were principally Cardiac Dyspnoea, prostration of strength, a mist before the eyes, giddiness, contraction of the pupils, the pulse was slow and the skin cold. There was pain in the stomach with distressing vomiting and bilious evacuations.

These instances would show that this plant possesses very considerable influence over the action of the uterus. They have been received with some surprise and even
even with suspicion but there is no reason to doubt their correctness. As a poison, rue has no great energy; there is no case recorded of its causing death. It is well known as a food for poultry not indigenous it is frequently cultivated in gardens, and preparation from it may be recognised by their heavy and penetrating odour. It is used in domestic practice as an anthelmintic and emmenagogue; but is neglected by medical men.

**Mercury**

Mercury is generally included by Beek under the head of emmenagogues as a substance sometimes used with the intention of promoting abortion. Matthiolus says a woman took of a pound of fuscoque, i.e., the free metal, but without accomplishing the end; the

See Orfila Toxicologia Generale, tit. 315

* quoted by Beek.
had in view. It resembles the letter that he
took away of instance, lecture more than
this was letters without any injury either
to the mother or the child. Dr. Meade
who appears to have been one of those
of to whom the assertion of Caesar
respecting the Gauls was applied Maximum
Mercurium solutum, gives similar negative
testimony. As a careful student mentions a
girl who took doses of mercury in order
to procure abortion and was violently
satiated but went to the full term.
There is no reason for supposing that
mercury has any power in procuring
this effect.

Polygala senega Rhiz. - Snakes root
has been used as an abortive in some
parts of the United States. The common

+Vidi mulieres qui libras gins libiment
at abortum facerent et libem move.
Midwifery p. 142.
people of Maryland use it for that purpose according to Dr Becker a practitioner there.

Pennyroyals or Mentha

This plant the Meliper, Pulegium & P Rosin has been occasionally used in criminal attempts. We have already mentioned a case where pennyroyal water was given to produce miscarriage. Dr. Wallis gives one instance in which the smell of this substance was sufficient to bring it on in a delicate female.

The plant is a poison used in games as an abortive.

It belongs to the order Labiateae and is different in habit from all the rest of its species so that it is easily recognized.

*Beck p. 259
*16
*See Metzger § 288 & Miller 1426
Saffron

This substance derived from the Crocus Sativus has been much used in the Continent as an Emissagogue and now and then as an abortive, with what effect I am not enabled to state.

We may here mention a number of substances which have gained a little notoriety among the vulgar for their assumed abortive powers. Probably these were attributed to qualities in them as they much injure.

Aristotelia Longa
Aristotelia Rotunda according to Murray they are useful in promoting the flow of the Menstrum.

Melica Oficinalis
Ammisia Vulgaris
Marulium Vulgaris
Lilium Odoratum

Metzsee 8 285.
Apparatus Medicamentum II 8 72
Sclerogium 8 74
LYCOPODIUM SELAGO

Metger and Flouquet mention Selenites, but the mass of these substances are of very little power. It is unnecessary to discuss their qualities. A number of miscellaneous substances have been mentioned by the older writers such as Amber, Manna, Sapphires, etc. The pine apple is known to be somat.
the cause of abortion, and Dr. M. M. T. T. ...

appears to me that the pomegranate is frequently used for this purpose in...
The Secale Corniculatum or Ergot of Rye (Secale
Corniculatum) is a substance whose dangerous properties
are well known. It is an altered or degraded
form of the seed of the rye, and is
believed to be occasioned by the growth of
fungi or the attack of insects, but with
its origin which is almost as great a
subject of controversy as its properties, we
have nothing to do. It appears like a horn
coming out between the palerace of the
plant it is of a purplish colour and has
an almond-like fracture. From the its
resemblances to a spur as it protrudes itself
beyond the healthy circumference of the grain
it derives its name. Its may be produced
at will among the ears of the rye by
growing that plant in a moist situation
or making it frequent by. And it is in
places and during times which offer these
conditions more than usual that it
is most frequently found to damage the
crop. Its active qualities have been found
by Dr. Samuel Wright to reside in the


fixed oil which may be obtained from the
powder by agitating with sulphuric ether.
According to the same gentleman,
it is first noticed by Siegenre Strumblo
near the close of the 16th century and
about the same period in the 16th it drew
attention by an epidemic which was
attributed to this substance being ground
down with the rye which was not
unnaturally affected with it, to form the
bread which. In this case the disease
was confined to Hesse but a number
of distereping epidemics disease which
prevailed over Northern Germany,
Switzerland and Sweden, counties
in which rye bread forms the principal
food of the people kept the attention of
Medical men fixed upon it during the
two succeeding centuries. And for the same
reason the knowledge of its peculiar effect
as the strain would be diffused among
observant people of all ranks. It is strong
that scientific men are scarcely agreed.
on any one point regarding it. The symptoms which characterise the state of epilepsy which is induced by the accidental or incipient use of it are variously stated. There is little doubt that they are modified by idiosyncratic cause. In what has been called convulsive epilepsy they are of a comatose character: giddiness, swimming before the eyes, incontinence, convulsions, are observed the pulse becomes imperceptible and death comes on in about two days. In the gregarious form of epilepsy there is a feeling similar to that caused by insects creeping over the body. The jowemal ment of the French or trickshelf of the more expensive German. This is followed by fever there is a tendency to haemorrhage, and it ends in dry gangrene of the extremities which frequently fall off. Such are the principal symptoms observed after the use of opium alone with the yolk of egg after banasts in which it was unusually frequent. The Model and Palma, Rome observed.
remarked that it was extensively mingled with the food of the peasantry about St. Petersburg, without producing any bad effect, and Debye says, that one year it formed one eighth at least of the bread in Siberia, and yet no perceptible effects followed. It has been stated, however, that if the grain that contains it is allowed to lie for a fortnight in the sheath, it will lose its injurious qualities.

We learn from Camerarius that the nations of Germany, in his time (1668) associated with its power of hastening the progress of colliers. In that country it gained the name of Mutterkorn and Augenszteiner, because of its qualities, and use. The employment of it was at least prescribed by statute. The legislators of France did the same in 1774, though three years after Debye succeeded in bringing it into notice in that country as useful in mulching.

Quoted in Dr. Wright's paper.
From the prohibition of the drug by law, as well as the absolute moral of the time, it may be conjectured that it was not entirely confined to cases of difficult labour.

In 1807 Dr. Snow of New York rescued it from the neglect into which it had fallen among regular practitioners, and since then it has been much used to stimulate the contractions of the uterus in cases of protracted labours. That it is proper to use such a poison in now beyond all doubt though it has been denied to it by an increasing number of observers, but its capability of bringing on labour so as to cause abortion is not by any means so certain.

Dr. Wrights experiments on the cow as animals, the most careful and numerous, that have been made failed in bringing on abortion. But those of others have in some instances turned out differently and bastard says that one abortion took place in his experiments on the bitch in one see Pesenda Med.
Case out of three. A ledge man says, that in animals it never fails to produce abortion.

Its power of inducing miscarriage in women is denied by many eminent toxicologists, who consider it can only stimulate the contractions of the uterus, but cannot of itself originate them.

Pereira with some hesitation places Ergot in the rank of what he calls an antispasmodic, that is an abortive drug, and such it has been long believed to be. M. Gerardin says, that in the French colonies, it is regarded as having the power to destroy the foetus. Such was also the opinion of the French Academy of Medicine, as represented by Pelletier, and Pelletier in a memoir to the Minister of the Interior, that it originated uterine contractions in two cases of his.

* For this and the succeeding statements see Wright at Ufa.
and Walter gives a case where it produced abortion two months after conception. Merriman is of opinion that it will cause miscarriage, while in a paragraph by Marshall, it says he has seen it produce uterine contractions in many cases, and advises medical men to keep its qualities a secret. Mr. Whitehead says he succeeded in three successive pregnancies in bringing on labour pains in the same individual but on trying it a fourth time failed completely. He did endeavour without success in bringing about ecto-uterine contractions by means of ergot, but gives a case from Dr. Crook who described abortion was produced in the fourth month of pregnancy by twelve grains of the drug, 20. He gives several cases where it had failed although several attempts had been daily administered.

It has been asserted that the use of ergot

* Mansleden's Midwifery of Edinburgh.
+ on Abortion p.254
is attended with very considerable danger to the mother and also to the foetus from its deleterious influence upon the placenta. Out of twenty-six cases mentioned by Marshall, where premature labour was induced by angot with the view of saving the life both of the mother and child, only twelve living births were obtained, but where it was brought on by rupturing the membranes twenty-one were born alive out of thirty-six.

A case which created much discussion occurred in the Exeter Infirmary, 1844 (Reg. 716). A medical man was accused of giving laudanum counteract it, and kept secret for eight in order to bring on miscarriage. The three medical witnesses declared that the first two substances could only cause abortion by acting primarily on the general system and that laudanum could only stimulate the action of the uterus after labour has begun. This opinion was confirmed.
afterwards modified in a report which Dr. Davenport one of the witnesses examined
published after the trial. He then
allowed that in some case of advanced
labor the contractions of the uterus
might be stimulated by the use of Ergot.
From all these discordant opinions it may be inferred that the true action of opium on the uterus is has not been definitely settled. It may produce abortion without having the power of directly acting on uterine tissues. It is now generally admitted that if absorbed into the system of the mother it may destroy the foetus, which would then stimulate the uterus to its expulsion. It is however more probable that it has a direct and specific action on this organ and whatever may be the weight of negative evidence, there is enough of positive character to show that opium can produce abortion in many constitutions. We are unable to say why it will not do so in all, we doubt the uncertain strength of the drug must have in some cases occasioned failure, idiosyncrasy may have also largely on a like result, but it is not common.

*See on this subject Dr. Hardy in Dublin Medical Journal vol 27. Dr. Lee Edinburgh Medical 53/62. Velpman.
in the history of Medicine to observe these two causes continually leading to such varying effects.

One thing is certain that, however much scientific men may hesitate about the properties of opium, it has been often employed for the purpose of causing death, and its real or assumed powers in killing being about we well enough known to the community both on the Continent and in our own county. And in America a case where it was used for this purpose lately occurred in Edinburgh, and its employment has already led to several trials in our Courts of Justice.

It is then of great importance to be able to detect marks of its administration in any instance where the assistance of the Medical juris has been required.

In this county it was only be found

* Le burston on Poisons 4th Ed. p940
with the druggist. And if it is proved that
he has supplied any one with it who is
unable to make out any sufficient cause
for purchasing a substance of so peculiar
nature, a strong suspicion will at once
be created that it was got for a criminal
purpose. It is almost trifling to remark that
tartarous acid, the common Cock's foot graft
(Dactylis glomerata) and other Cerealia frequent
found in our country, that this is scarce
an occurrence and so little known as to
the frequency of consideration in the present
case.

The next step is to search for any remains
of the drug in the house of the accused.
If found it may be tried with bicarbonate
when no tartar will appear and strong
alkaline Ciprous acting on it will form
a fine Lake red solution. By these aid
some other Pro reagent its presence may
be put out of doubt.
Brax is the name given by Dr. Parreira as an abortive. It is well known to have some power as an emmenagogue and el clips are said in general instances, but when it was incautiously given for that purpose it has produced abortion. It is mentioned by Metzger as an abortive.

A stacc Racemosa is a common plant in America. It has been called myrrh root from its power in expelling decum and its propietary have long been known to the American Indians. Mr. Gillies gives the testimony of a number of respectable physicians who have used it for the same purposes as egret. It does not according to him exert the same debilitating influence on the foetus. Our information on the plant is entirely derived from Black he states that it has been sometimes used in attempts to produce abortion.
Digitalis

According to Dr. W. H. Thomson, digitalis acts on the generative organs, both in the male and female causing inflammation in them. A married woman of twenty six years of age in the 8th month of her fourth pregnancy took six drachms of this mixture in the course of nineteen days for ascites. In consequence this at the end of that period a foetus was expelled still born before assistance could be called.

Accurate has & been used with the intention of creating abortion and except in one case mentioned by Schupei, it does not seem to have succeeded, though from its well known powers as a sedative it might often be instrumental in bringing on such a result.

\[ Elements of Materia Medica vol II \]

\[ Dr. W. H. Thomson, Materia Medica quoted in Book \]
Local Applications.

Puncturing Instruments

Of all the weapons by which the life of the foetus has been attacked, this is the most deadly, and the most likely to be successful. It has been used from a very early period. Vegetarian mentions an instrument which he calls 'eub' ou oopartys, which was employed by accoucheurs in cases of difficult labours. He describes it as a circular tube sharpened like a knife with being also as to laceration

Et que et inter arma Medicorum et organon est, quis prius Ratoresse secuta cognitum tortili temperamentos, cum angulo Culturato quo inter Membrum Cadentium Pascoi Batoecemio Anxia Arbitio

Cum debite loco, quo totius faciem adhibitionem s violento fruitero. Est etiam

Foliorum aeneam cricciam, quo fugitato
pulling out the parts separated. Lucullian 
slaves, it was known & Hippocrates 
was still in use in his time. He do 
not say it was abused in order to 
cause criminal abortion, but from 
the abject morals of the time, as 
well as the line of & aid.

Hesione paid off for its subjects & who tells 
we may suspect that its employment 
was not confined to cases of sufficient 
labor. The possession of such an instrument 
would be too great a temptation to the 
professors of an act whose dignity was 
not at that time sufficiently recognized.

Case: Caius Caecus Calpurnius & L. Speratus, 
Jr., Appellant v. Hoc et H. Hippocrates 
Defendant. See Apollo Col. 25.
And if the women at Rome were as bad as their great Estavisci Juniper has described them, there is little doubt that Vertullian has praised them even too little.

A man the good saint little knew what that evil sex will do.

Ploucquet quotes from Patin an account of a midwife who was hanged at Paris for pushing a sharp instrument into the womb to kill the foetus. The mother in this instance was seized with convulsion, and died. The wretch confessed he had destroyed several foetuses in the same manner without ill consequences to the mother. Mendel mentions a case where a servant girl caused abortion by pushing a sharp instrument into the uterus but both were maimed it and the Regina was punished in consequence. A similar case

Mendel & Schmerlich, 234.
is given as it elsewhere.

"In Italy," says it elsewhere, "women of
is clear, than elsewhere, women of
had names are accustomed, when they
perceive the signs of pregnancy, to kill
the foetal by passing a hair-pin
into the uterus.

And speaks of such practices with
horror, and cannot believe, forgetting
the case of the midwife mentioned
by Guy Patin, that France should
have preceded other countries of Modern
Europe in adopting them. An instrument
for destroying the foetus was mentioned by
Mr. Dunsin the elder, of Edinburgh, in
a memoir presented in 1798 to the
patron of our University in order to procure
them to establish a Chair for Medical juris-
prudence and on this ground the French
writer would concede the merit of the
invention to our own country and even to our own city. We can only say that if the instrument were invented here it is left used there in France just as the old Scotch engine of death called the Maiden's Flourished much better in its adopted country than in ours.

Unfortunately instruments of this kind have been criminally used both in England and France. Numerous instances of this might be given but a few of them will illustrate all that is necessary upon this point.

In January 1806 in Bayeux in Normandy the corpse of a girl was found. The generative organs bore the marks of injury. It turned out that a charlatan had given her several drugs in order to procure abortion but these failing, he attempted it with a pair of scissors and thus effected his purpose but not without causing the death of his unfortunate patient.

Metzger's 6th P. 338. 1820.
At Durham, 1781, Margaret Finches was indicted for the murder of Janet Parkinson* by inserting some sharp pieces of wood into the wound of the latter. The uterus was pierced in two places, the one aperture was found to be inflamed; and mortification had commenced in the other.

In the evidence against Charles Augustus, the murder of Mr. Burns at Sandcaster, which has been already mentioned, it appeared that the accused had declared himself skilled in anatomy and physick, and that he was able to prevent pregnancy and circumstantial evidence of this, he showed one witness some instruments for destroying the foetus. It consisted of a hollow tube, with a slide, at the end of which was a dart, with three points. This must have resembled the instrument in the examination of the ancient accoucheur, which is mentioned.

*See Smith's Medical Jurisprudence.
†ib.
A melancholy case is given by Beattie, which shows the danger into which female myna have by allowing ignorant people to attempt the cruel operations on their persons. Norman Cleveland was indicted for the murder of Hannah Rose in the State of Vermont. She had been pregnant by him, and after some main attempts to produce abortion by drugs, he tried to introduce an instrument by the vagina, but instead of passing it into the uterus around the iliac vein and to kill the fœtus, she uterine was punctured in six places each incision being from half an inch to three inches of an inch in depth. The abdomen was filled with coagulated blood.

In a case which occurred at Portsmouth where abortion was attempted the child...
The aorta was found to be punctured; but this was held to be owing to thinness of its coats.

Premature abortion has frequently been brought on by medical practice by piercing the membranes and allowing the liquor amnii to escape. Mansiotta says he uses an instrument shaped like a female catheter for this purpose and in as skilful hands their abortion may be readily caused by such an instrument and without any great danger to the mother. But if this plan has been known to fail ever in the hands of the most experienced he who is in any one occasion in trying to pass an instrument into the uterus to puncture the membranes, saw it several times into the cervix uteri and the case terminated fatally. In more ignorant hands the danger is, of course

See the Appendix to his Work on Midwifery.

See Beck p. 2564 note
increased. Dr. Baxter of New York attended a case where an attempt at abortion was made by means of a silver caldron. The os tinnacae was wounded and though the membranes were ruptured the foetus was not expelled. After 15 days of terrible pain labour was induced by means of ergot. Welshman mentions the instance of a young midwife who became ensnared and only succeeded by these maunouers. In producing an organic lesion of the uterus which impelled her to commit suicide after frightful suffering. This crime he adds is so common in Paris, that in two months I have been called to attend four women who had committed it. One of them is dead of periarteritis. Another has at this moment (January 1834) a cancer. The third case made by curd of her urine. And the fourth above has recovered.

Welshman vol 7 p 401
her united health.

Since 1857, a number of practitioners have discovered different ways of accomplishing premature labour, without any great danger to the mother. Dr. M'Nin, at the Meeting of the Medical Practitioners, reported in the Edinburgh Monthly Medical Journal, July 1857, declared that his practice was to gently to dilate the os uteri with the finger, and then with a large sized male bougie to separate the membranes three inches of from the uterine wall. This was repeated every two and third day of necessity. If this failed, he introduced a male bougie with the point broken off and pushed it along the posterior surface of the uterus and then turned it in towards the membranes, pressing to and dilating these contents in the tube. By this means, one or three cubic inches of the liquor amnii escaped and the birth took place with ease.
My these means he caused abortion in from forty to fifty cases of deformed pelvis. It would be unfortunate if the power of inducing premature labour, with as much facility and safety, were in the power of the vulgar; but this we need not fear, for in every case as this case never be gained without knowledge.

It would be difficult to detect a case of abortion which had been accomplished by rupturing the membranes, if done by a skilful hand, fortunately for the medical jurisprudent he has generally only to deal with the haphazard attempts of ignorant people, who generally leave marks of their operations on the womb, the female, who submits to them. If the foetus is found, it will probably bear marks of violence; but it will be difficult to say whether these have been inflicted before or
after birth.

We have already mentioned radium applied directly to the abdomen, region as destructive to pregnancy. Other
rarely used for promoting miscarriage and nature of strong forces often been
attended with lethal effects to the
child.

From a case mentioned by Bouquet
of a prince at Rome being caused
to miscarriage by the stroke of lightning, which
came near his palace have entertained
the idea that electricity if applied to
the uterus might excite it to contract,
I know of no experiments under
labor to confirm this.

Divergent means employed by

Aristoteles,

Without any disrespect for the several
professors of the obstetric art who have
studied this subject in order to diverse
means of assisting female in cases
of impracticable labours, it may be supposed possible that the intention of the original
practiser of these manœuvres might be in some cases turned to a criminal
use however far from their intention.
It will therefore not be entirely foreign
from the subject of this discourse to
allude to some of the more common
contrivances for bringing on premature
labours, or abortions.

One Method now almost
entirely abandoned was to apply frictions
to the anterior part of the belly and
fronts around the pudenda, to the vagina
itself as was done by the Professor
Dr. Guetinont & practiced by Pigeon.

Hamilton’s Method was to expose the
genitals before the time for the usual monthly
discharge to the vapours of hot waters. At
the same time to give a purgative dose
of aloes, and to stop the blood flowing
through the femoral arteries by ligatures.

* See Cazenau De l’Art des Accouchements 1853
p 614 et sq.
Professor Henrici late of Wurzburg near of Prague, has proposed a proceeding which appears to be more efficacious. It is accomplished by precipitating a couple of tinfoil plates on the pubesca from a height of two feet. This on an average requires about two applications. Altogether it is an operation not at all likely to be resorted to criminal attempts.

Professor Simpson proposes dilating the orifice of the uterus, by means of large tents, and injecting tepid water which causes the mucilages to separate.

Henrici thinks that the water relaxes the soft parts by induction, but Dr. Simpson thinks it is induced to think that the water accumulates in the vaginal canal, and by its own extension opens up the cervix.

The most common of all means after is piercing the mucilages and allowing the amniotic fluid to exude. It may be

performed in a diversity of ways; for
but as we have already touched upon the
subject we shall not enlarge on it further.

Mr. Schrelee* of Berlin has proposed
still another way of bringing on abortion
by tamponnement of the vagina whilst
retained for some time erect, the instability
of the uterus and in no rare cases
succeeded though her observations are too
few to engage others to follow her.

Theories of Abortion

Historical Science is not yet prepared
for an explanation of the manner in
which the uterus is stimulated to early
contractions. But it may be noticed that
it generally takes place in one out of four
women.

1. After the system has been exhausted or
after sex.
Disease bloodletting, starvation, or after a sedative effect has been produced on it by medicines, in this case the involuntary muscles appear to act upon anything which irritates the internal organs; the presence of food in the stomach has a tendency to bring on vomiting, or that of an emetic to cause abortion, as if the system wished to retrieve every function it had not strength to carry out.

2. By irritation of the other intestines and more especially of the rectum between which & the uterus a sympathetic nervous connection appears to exist.

3. By influences acting directly on the uterus.

4. By destroying the feces. Perhaps more cases are contained under this head than might at first be supposed. It has been proved by direct experiment that poison may readily be absorbed
from the system of the mother into that of the foetus; and Mr. Hauyrius states that he has caused abortion in the rabbit by means of morphine, and traced the cause of the drop in the animal animal. A lady is mentioned by Rambling who took quinine for severe pains she had during pregnancy. Her children on such occasions were always expelled in a "drowsy state, stupid, comatose state, which continued some hours after their birth."

There is no drop left likely these quinine to act on the uterus so as to cause its contraction, and hence the proof that it has by destroying the foetus been able to cause abortion. Must entail a strong presumption that other substances of a still more excitant character e. i. if taken up by the foetus from the destruction to its formation would act still more powerfully. We know that in general, when the foetus is destroyed the uterus is stimulated to expel it, why this should take place is

Gazette Medicale 31 Juillet 1847.
not so clear. In order to account for the production of natural labour that this
theory allows itself to be disturbed by the
growth increase of the embryo until the
child has arrived at its proper size, and
then that by means of its muscular
irritability that it reaches & then the ordinary
phenomena of perturbation are brought about.
This may take place as well when the
growth of the child is arrested prematurely
and thus abortion or early parturition
may belong to the same set of causes
as those which produce it at its natural
period.

William W. Ireland.