

conceal the birth thereof shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labor."

The object of the Act is to prevent secret disposal with a view to child murder. It refers to a child which dies either before during, or after birth. It is not a crime to conceal the body of a live child, unless it die before the fact of its birth was made known. The body must also be secretly "disposed of," and this is a weak point, as it has been stated by a judge, that because a woman disposed of her child in a field from which she might have been seen from the public road, she did not "secretly dispose" of it. Again, a great deal depends upon the definition given to the term "child." Justice Chitty has said it is no offence if the child so concealed was only seven months old, a somewhat strange ruling, seeing the child is viable before the 7th month. Another judge has laid it down that it is not a "child" unless it could live when born; while a third has said that if it had the outward form of a child, this is sufficient.

In a proposed "new criminal code" drafted by Sir J. Stephen, late judge, it was suggested that "No foetus is to be deemed a child within the meaning of this Section which has not when born reached the period at which it might have been born alive." I also call attention to the above Act, because some practitioners give very wrong advice regarding the disposal of premature births, stillborn or otherwise. Kinkead, in his "Medical Practitioners' Guide," says: "If any practitioner secretly dispose, or aid, or abet at such disposal, he is guilty." It is also criminal to conceal the birth of a putrid foetus, because the act refers to a child which dies *before birth* as well as those dying during or after birth.

The Scottish and the German laws go further than the English. By the 49th George III, chap IV, "Concealment of pregnancy,"—not of birth—is criminal. It enacts, that if any woman shall conceal her being with child during the whole period of her pregnancy, and shall not call for and make use of help and assistance in the birth, and if the child be found dead, or missing, the mother may be imprisoned for two years. This law lays it down, that it is the duty of every pregnant woman to make preparation for her confinement and infant. I have asked little John if he thinks the words "during the whole period of pregnancy" would exclude those women who concealed their having aborted or miscarried. He refers me to McDonald's "Criminal Law of Scotland," 2nd Ed. 1877. It appears the Act refers to all cases, but that it would be a very strong point in the woman's favor if she had been delivered of an abortion or foetus; if so, she would be outside the statute. The Act asks that the child be *found dead*. Therefore the child must have been born alive; or, in other words, pregnancy must have lasted so long as to make a living birth possible. In Scotland there is no Act corresponding to our "concealment of birth;" and neither the Scottish nor the English Acts lessen the force of our request for registration.

Having referred to these Acts, I shall try to define some terms of which we must have clear ideas before any legislation on the subject of registration of stillborn children is entered upon.

What is a "stillborn" child? This may be met by asking another: What is a "liveborn" child? The medical and legal definitions unfortunately differ greatly,—physiology and law being in direct conflict. Medically, the child from the instant of conception has life. In legal language, the live born child is one whose