

an invisor vitæ, an offender who is protected against that danger arises from neglecting all the risks of her state. Besides, if the fœtus be no more be punished follow man: no more than to rescue another from certain death has a right to preserve his; and if the mother had the fœtus would have the same. From this we derive the

ion directly, even though under whatever plea of anticipated homicide. The question is, in a word: whether of life, and He alone Christian code. Christian, the Hebrew teaching in

nounced in the Hebrew as "evil in the sight of God" homicide is held up by the fact that all Rabbinical writers—*omnia peccata condona, etsi shichbat zerang leba*—properly or causelessly. This detestable vice inherits its places,—“he is worse than the completion of the Talmudic Rabbi asked him: his sin should be worse, developed man who may be? The reply was: “in a stranger, but in the children.” Again, in the man who does not duly heed blood.” To destroy the man to be running counter to the creator who has already

formed elsewhere the “zevug” or marriage match for the fœtus. The Talmudic code is crowded with the most minute instructions for the development of modesty and chastity. Thus, in the Mishna Treatise, Aboth, we read: “he who has had an accidental emission of semen is not to perform his ordinary devotions, much less the minister, or one who is to pray for the many.” The constitutions concerning marriage, which fill a volume, give the most minute directions with regard to the “robeh kerî,” (qui vidit semen) in other words, precautions to prevent the use of the same for any other purpose except that of raising virtuous children in Israel. The act is to be performed with absence of all levity, and rather with prayerful aspiration, that the issue may be for a “kiddush hashem,” i. e., to promote the sanctification of God’s name, in darkness and with all modesty. Early marriages are most strictly enjoined as a consequence of all this. “He who does not marry and raise children causes the divine presence (Shechinah) to depart from Israel,” see Yoreh Deah, p. 1. Again: “he who has no wife is not to be called a man; but when he marries and has children, his sins will be forgiven him.” A man who knowingly marries a barren woman is denounced as a fornicator—Yoreh Deah.

The result of such teaching is evident among the Jewish people. They are singularly free from the detestable crime to which I am alluding, and from that other, anterior to it, for which I can find no name, but which is so repugnant to the designs of the Creator.

WHAT ARE ITS LEGAL ASPECTS.

According to law, causing or procuring abortion is a felony—a “*crimen animi felleo perpetratum*”—with a bitter or gallish inclination—a crime which at common law occasioned the forfeiture of lands and goods, and is classed with suicide and manslaughter. It is not, indeed, murder in the eyes of the law, for in order to make the killing, murder, says Stephens, it is requisite that the person killed be a reasonable creature, in being, and under the King’s peace at the time of the killing. To kill a child in its mother’s womb, therefore, falls under a different description of crime. But it approaches more nearly to murder, and murder most cowardly, than any other crime; for it cannot be pleaded that it is done without malice aforethought. The malice prepense, *militia præcogitata*, does not require to be towards the unknown,