

petratum"—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, unseen fœtus, and is, therefore, not so much malevolence to the deceased infant in particular, as any evil design in general—the dictates of a wicked, depraved, and malignant heart, as Foster expressed it,—une disposition à faire une male chose—which may be either expressed or implied in law. It may be taken for a general rule that an act of this nature is malicious, and *should* amount to murder, unless where *justified* by the command or permission of the law, or *excused* on account of accident or of self-preservation, as in cases where the accoucheur risks the life of the child to save that of the mother. But without these circumstances of justification, excuse, or alleviation, the earnest and oft times tearful plea "I don't want to be bothered with any more children" would not be sufficient in any court of justice, still less in the forum of one's conscience, where a faculty may still exist of judging of conduct with reference to some standard of right and wrong. There was an old Roman law by which the slayer of her own child was punished in a much severer manner than any other kind of homicide. After being scourged, the delinquent was sewed up in a leathern sack, with a live dog, a cock, a viper and an ape, and so cast into the sea. Solon the wise, in his laws, made none against this crime, apprehending it impossible, as Cicero says, that any one should be guilty of so unnatural a barbarity.

I have been at some trouble to search out the law on this question, as it has been more than once urged that the death of the mother alone jeopardises the life or liberty of the fiend who accommodately assists, or the woman who wantonly permits, or procures, or in any way wilfully occasions, a violent interference with the law of nature; and I find that as society *advanced* (?) the law was modified. By 43 Geo. III., c. 58, and 9 Geo. IV., c. 31, s. 13, it was provided that to administer a destructive thing to procure the miscarriage of a woman *quick* with child should be a *capital* felony; and if she should not be proved to have been *quick* with child, a felony punishable with transportation. But the law is now governed by 7 Will. IV.

and 1 Vict., c. 85, s. 6, which provides that whosoever, with intent to procure the miscarriage of any woman, shall unlawfully administer to her, or cause 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 liable to transportation for life, or not less than fifteen years, or to be imprisoned for any term not more than three years."

What says *science*? Apart altogether from those numerous ailments and diseases which follow in the train of such violations of the laws of God and of nature, and which a volume would be insufficient to delineate and pourtray, I shall merely observe that there is a peculiar condition of the os uteri brought about which is often the cause of subsequent miscarriages. The neck of the uterus, as Depaul observes, is a sort of sphincter muscle; and in many women this is in a lax condition, predisposing readily to abortion. With it there is indeed "a special irritability of the uterus, exciting it to relieve itself of its contents." How frequently do we not notice this condition in meddlesome females who, in the early months of married life, abhorring maternity, prevent it! yet who, at a later period, would sacrifice every thing short of life itself to regain the health they had wantonly sacrificed, and some at least of the lives they had so mercilessly brought to nought.

The indurated or hyperplastic condition induced by this wicked practice, indisposes the uterus to expand and yield before the growth of the fœtus at a subsequent gestation. The uterus, on account of that induced congestion or hyperplasia, is, moreover, prone to assume an abnormal position, and to add thereby another element of discomfort to the mother, and of danger to the safe progress of future gestation. When, as it often happens, future gestations are denied, the sufferings are not less severe. Who, amongst us, cannot recall the haggard, anxious expression, the hollow cheek, the sunken eye, the pallid, sickly countenance, the uncertain gait, the pain in forehead, side, back and limbs, and that indescribable sensation of fullness, yet of emptiness, that feeling of dragging, or of gnawing in the hypogastrium, which attends the wakeful moments, and disturbs and hinders rest, and which is as

The pang where more than madness lies,
The worm that will not sleep, and never dies.
Thought of the gloomy day and ghastly night
That dreads the darkness, and yet loathes the light;
That winds around, and tears the quivering heart!
Ah, wherefore not consume it, and depart!

But to come back again from Byronianism to plain prose, can I exaggerate the misery and distress which follow in the wake of the unhappy misguided deflowerer of her own womanhood, who so completely divorces herself from all freedom from sickness or suffering for the future.