

We have shown that the medicines are ordinarily and legitimately used to bring on menstruation; that they are not used by men knowing their physiological effects to produce abortion, because they cannot produce it, especially in the early months, without involving coincidentally the death of the mother; that, on the contrary, they are employed to remove peculiarities of condition, leading to abortion; that a woman with an ordinary rubber syringe cannot cause an injection to enter her womb; that a woman cannot sufficiently localize her sensations so as to be confident that an instrument has entered her womb; that the strong probability is in favor of a speculum being used by Sparham, but that a speculum could not produce abortion; that if a speculum were used, a uterine sound or similar instrument could not be used simultaneously so as to be made to perforate the fundus uteri; that there are no facts, elicited from evidence, leading to the belief that any other instrument, but one requiring "better light," was used; that a uterine sound does not require better light to use properly, but that a speculum does. We have likewise shown, that the long time, during which medicines were taken by Miss Burnham, would indicate, that they could not have been prescribed by an educated medical man for abortive purposes, but rather to strengthen and build up. And that if those medicines were strengthening and regulating, as they undoubtedly were, abortion would not naturally result from their use. We consider, that the deposition itself, by the internal evidence it affords, contrary to popular opinion, ought to be sufficient to disprove the charge of attempted abortion on the part of Dr. Sparham. There is no evidence in it to show that any such attempt was made, nothing but assertions and inferences. But that the inferences, when properly drawn, point in an opposite direction, there can certainly be no reasonable question. Taking for granted that the whole charge against Dr. Sparham is true, that he did attempt the abortion with instruments, what is the position he occupied? Why this: that an educated medical man accepts as true the ipse dixit of a half crazed woman, that she is in the "family way" at such an early period, that it is impossible for him to verify its correctness, and that he proceeds forthwith, upon such slim evidences, to stab away at that which, at the very best, could only be a projection from the inner surface of the womb, but which, on the other hand, might be nothing at all. If the woman had been pregnant four or five months, and he could positively know that a foetus existed, the attempt would not appear so absurd. But as he could not know