

FŒTICIDE,
OR
CRIMINAL ABORTION;

A
LECTURE INTRODUCTORY

TO THE
COURSE ON OBSTETRICS, AND DISEASES OF WOMEN
AND CHILDREN.

University of Pennsylvania,

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BY
HUGH L. HODGE, M. D.

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P R E F A C E.

IN the year 1839, having had my attention as a professional man frequently directed to the subject of criminal abortion, I delivered an Introductory Lecture upon this subject to my class, in the University of Pennsylvania. This Lecture was printed for their benefit and that of their friends.

In 1854, deeming this subject of great importance, I reiterated the address to a new class of students. This was also printed, and numerous copies disseminated.

Through the medium of the then Attorney General of Pennsylvania, and of the Grand Jury of the city of Philadelphia, then in session, I attempted to have the subject regularly presented to the legal profession, hoping through them to procure some more severe legislative enactments against the crime of "foeticide," the guilt of which had never, in my opinion, been properly estimated by our legislators. This effort failed. Public atten-

tion, however, has been gradually awakened to the frequency and the enormity of this flagitious outrage upon the laws of humanity. The Medical Profession, as in duty bound, have taken the lead in this inquiry. In 1856 Professor Storer, of Harvard University, assisted by his son, Dr. Horatio R. Storer, so greatly interested the profession upon this subject that the American Medical Association in 1857 appointed a committee of leading physicians in different parts of the United States, to investigate the extent of this crime, and to report what legislative enactments were necessary for its repression. A very elaborate report was given by Dr. H. R. Storer, the Chairman of the Committee, to the Medical Association at its meeting in 1859, which was afterwards published in Philadelphia.*

Since this period, nothing has been wanting on the part of the profession to illuminate the public mind on the nature of this crime, and to urge our legislative and executive officers to greater stringency in the formation and execution of legal enactments. Our medical journals have overflowed with the history of the horrors, shocking to humanity, which are daily perpetrated in every part

* Criminal Abortion in America.

of the land, not only by the ignorant and degraded, but by those whose education and reputed moral worth and refinement had apparently raised them even above the suspicion of vicious designs. Professional attention has also been fixed upon this point by medical societies, by writers on *Obstetrics and Diseases of Women and Children*, and more especially, on *Medical Jurisprudence*. If, therefore, the profession in former times, from the imperfect state of their physiological knowledge, had, in any degree, undervalued the importance of foetal life, they have fully redeemed their error, and they now call upon the legislators of our land, upon the ecclesiastical profession, and upon every one whose mind and conscience are open to conviction, to stay the progress of this destructive evil of criminal abortion; that care be taken that the ignorant be instructed, that the vicious be reprovèd, and, if needs be, that they be punished for the violation of the laws of God and man.

This call has not been altogether unheeded. Something has been done by our legislative bodies and, perhaps, more strenuous efforts have been made to detect and punish those miscreants who are now actually known as "professed abortionists;" whose advertisements, under various disguises,

more or less patent, disgrace many of our public journals.

The clerical profession have also been aroused, and are endeavoring to stem this torrent of iniquity. The Roman Catholic Bishop of Boston has issued his protest upon the subject, and Archbishop Spaulding, of Baltimore, has warned his flock of the frequency and enormity of this crime. The General Assembly of the Southern Presbyterian Church, which lately convened at Mobile, has given an urgent exhortation to all their clergy and elders to exert every proper influence over the minds of their parishioners as to the nature and extent of this evil.

At the meeting of the General Assembly of the Presbyterian Church, which occurred in New York in May last, the following report of its Committee was unanimously adopted:—

“That it is with great pain we are constrained to admit the increasing prevalence, in many parts of our country, of unscriptural views of the marriage relation, in consequence of which the obligations of that relation are disregarded by many, and separations of husbands and wives, and divorces for slight and unwarranted reasons are becoming more frequent every year. Nor can we shut our eyes to

the fact that the horrible crime of infanticide, especially in the form of the destruction, by parents, of their own offspring, before birth, also prevails to an alarming extent. The evils which these errors and crimes have already brought upon our country, and the worse evils which they threaten in the near future, make it imperative, as we believe, that the whole power of the ministry and Church of Jesus Christ should be put forth in maintenance of the truth, and of virtue in regard to these things. Many causes have operated to produce a corruption of the public morals so deplorable, prominent among which may be mentioned the facility with which divorces may be obtained in some of the States, constant promulgation of false ideas of marriage and its duties, by means of books, lectures, &c., and the distribution, through the mails, of impure publications. But an influence no less powerful than any of these, is the growing devotion to fashion and luxury of this age, and the idea which practically obtains to so great an extent, that pleasure, instead of the glory of God and the enjoyment of his favor, is the great object of life. It is therefore the duty of the Church of Christ to oppose, in every practical way, these

and all other corrupting agencies and tendencies, and we especially urge upon all ministers of the gospel the duty of giving instruction to the people of their respective charges, as to the scriptural doctrine concerning the marriage relation. We warn them against joining in wedlock any who may have been divorced upon other than scriptural grounds. We also enjoin upon church sessions the exercise of due discipline in the cases of those members who may be guilty of violating the law of Christ in this particular.

This Assembly regards the destruction by parents of their own offspring before birth with abhorrence, as a crime against God, and against nature, and as the frequency of such murders can no longer be concealed, we hereby warn those that are guilty of this crime, that except they repent, they cannot inherit eternal life. We also exhort those who have been called to preach the gospel, and all who love purity and truth, and who would avert the just judgment of Almighty God from the nation, that they be no longer silent or tolerant of these things, but that they endeavor by all proper means, to stay the flood of impurity and cruelty. We call upon all to remember that marriage is honorable, not

only in itself, but in its ends. Therefore, those who seek to avoid the responsibility and cares connected with the bringing up of children, not only deprive themselves of one of the greatest blessings of life, and fly in the face of God's decrees, but do violence to their own natures, and will be found out of their sins even in this world."

Medical men should now exert themselves even more than ever to assist their brethren in other professions in staying the progress of this crime, so deleterious to the welfare of society, so demoralizing, and so subversive of the tenets of our holy religion.

As many of my former pupils have requested copies to be sent them of my Introductory Lecture of 1839 and 1854, and as it is the duty of every professional man to exert all possible influences to protect the health and welfare of individuals, and to promote the best interest of society, I have consented to the republication of this Essay. This is done not only to gratify many physicians, but to contribute, in some degree, to the still further dissemination of those fundamental facts and principles on which must rest all the arguments against criminal abortion. A few additional observations will be

added to contribute as far as possible to illuminate the minds of parents, guardians, and all those intelligent and virtuous citizens who superintend the education of youth, or who, in any way, can contribute to form the character of the rising generation, or stay the progress of this alarming social evil.

INTRODUCTORY LECTURE.

GENTLEMEN OF THE MEDICAL CLASS:—

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THE science of Obstetrics has more immediate reference to the process of parturition in all its varieties, whether natural or unnatural—simple or complicated.

This function (for it is truly physiological, belonging to healthy, not diseased actions) is by far the most complicated and dangerous of the female economy. It has reference, also, not merely to the act of delivery, but to the whole period of gestation, and to the condition of the woman for some time after parturition. Of course it must take cognizance of the temperaments and constitutions of females; of their peculiarities; of their fitness, or even of their capability to bear children; and how far this capability is injured or destroyed by prior disease or accident.

Obstetrics, moreover, is distinguished by the interesting fact that the welfare of two individuals is involved in every case of pregnancy and parturition. Hence the practitioner of Obstetrics has his duties and responsibilities necessarily enlarged. He must regard the infant, as well as the mother, from the period of conception to delivery; and generally is called upon to be its medical attendant during the first few weeks or months of its independent existence.

Hence, the diseases of women and infants are usually committed more exclusively to his care; and, in accordance with the views just presented of the duties of the medical practitioner, he must call on all the faculties of his mind, all the resources of his knowledge and experience, to prevent as well as cure their diseases; yea, at all times, and on all occasions, to watch over their physical interests, that life and health may be preserved, and every corporeal faculty be perfectly developed. He appears as the *physical guardian* of women and their offspring.

Under this representation of the subject, the elevated character and the immense importance of obstetric science to the welfare of a community must at once be apparent. On former occasions, I have urged this subject on the attention of my

pupils; alluding to the past and present unaccountable neglect of this branch of medical science, and insisting on its inherent superiority and its practical bearings. I endeavored to exhibit these truths, by pointing out the physical and intellectual character of the female sex; noticing the peculiarity of her anatomical and physiological developments; dwelling on the influence which she exerts over her progeny at conception, during its embryotic and foetal existence, and especially during the susceptible periods of infancy and childhood, when man, by the admirable arrangements of Providence, is committed almost exclusively to the superintendence of woman. Add to this the influence, almost unbounded, which in future life she exerts over man, her nominal lord, by her beauty and grace, her sprightliness and wit, and especially by the depth and devotedness of her affections.

It was maintained that woman requires assistance in childbirth, as accidents may, at any moment, occur, involving the life of mother or child, or of both; that this truth was not nullified by the fact that females often deliver themselves safely, and that the inferior order of animals have usually favorable labors.

It was shown that there are important anatomo-

mical, physiological, and moral reasons, why parturition in the human female should be more difficult and dangerous than among animals of an inferior grade; and it was also, I may say, demonstrated that dangerous and often fatal complications of labor arise from anatomical peculiarities of mother or child, from irregular or perverted states, or disturbances of her physiological functions; and especially from the existence of local or general disease.

Hence the absolute necessity of the science and practice of obstetrics to detect these dangers, and to protect and preserve a being so wonderfully constructed, so beautiful, so interesting, so moral, so intellectual, and so influential for good over the best interests of man, and over the destinies of nations, as woman, "the last best gift of Heaven to man."

But, however important and valuable, however good and excellent a mother must be regarded, we must not forget her *offspring*, in the various stages of its existence, from the moment of its conception to delivery, and from birth to the full development of its physical and moral nature.

In a most mysterious manner brought into existence, how wonderful its formation! Imperfect in

the first instance, yea, even invisible to the naked eye, the embryo is nevertheless endowed, at once, with the principles of vitality; and, although retained within the system of its mother, it has, in a strict sense, an independent existence. It immediately manifests all the phenomena of "*organic*" life; it forms its own fluids, and circulates them; it is nourished and developed; and, very rapidly, from being a *rudes indigestâque moles*, apparently, an organic drop of fluid, its organs are generated and its form perfected. It daily gains strength and grows; and, while still within the organ of its mother, manifests some of the phenomena of "*animal*" life. After the fourth month its motions are perceptible to the mother, and in a short period can be perceived by other individuals on due investigation.

From certain facts, it is also inferred that the foetus has perception in utero, the sense of *tact*; and, moreover, that at this time it has its organs, relating to animal life, in such a state that they will act when they meet with their appropriate stimuli. Hence, children born during either of the last three months of utero-gestation, very generally survive: their brain, nerves, and senses being sufficiently developed to receive without injury appro-

priate impressions from natural stimuli. They are *living beings*.

Moreover, facts, in great number, can readily be produced, which positively prove that there is no direct communication between the foetus (even in its earliest embryotic and most imperfect state), and the mother whose organs contain it. Surrounded by fluids and membranes, it derives from its mother the materials for support and growth, and a *nidus*, or *nest*, where it shall be protected from physical injury. Similar to the *chick in ovo*, it is, therefore, not only a living, but an independent being; and, as it will be universally acknowledged that the father has no influence over his offspring after the moment of conception, the same is true as regards the mother. All the peculiarities which a mother impresses on her offspring (and they are numerous and wonderful) are imparted *at* or *before* the moment of conception, by means of the original germ formed in her ovary. The embryo generated by germs from each parent has henceforth an independent existence. As regards its *vital properties*, it is as perfect as it ever will be; its subsequent nutrition, growth, susceptibilities, are but the successive manifestations of these vital properties. As the acorn, removed

from the towering oak, and dropped into the earth, is capable of vegetating and producing, in due time, under favorable circumstances, by its own inherent powers, another oak, similar in size and grandeur to that from which the acorn fell; so the embryo, by its own innate vital properties, received at the moment of fecundation, is gradually developed in utero, from its incipient state of existence (*punctum saliens*) to that of the perfect fœtus at the full period of utero-gestation. Physiologically, therefore, the infant after birth, while deriving all its nourishment and means of support from the breasts of its mother, cannot be regarded as more independent than the fœtus in utero. The child unborn absorbs nourishment from its parent through the medium of the uterus. After birth, it imbibes the materials for nutrition by means of the mammæ, or breasts. There is essentially no difference in its physiological properties, or as to the independent character of its existence, whether it remains in the uterus or is supported by the mother out of the uterus.

The observations now made are applicable to all animated beings, to plants and animals, to the lower and higher orders of vital existences.

We must, however, bear in mind the trite adage,

that "like produces like;" that the offspring resembles the parent in all essential points. Hence, the human embryo is to be regarded, not merely as representing the vegetable and animal existence of its parents, but as possessing an intellectual and moral nature. Wonderful as is the formation of the body of the foetus, with all its susceptibilities, with its organic and animal life; still more mysterious is the transmission of an intellectual, moral, yea, a spiritual nature from parent to child.

Of this, there can be no reasonable doubt. As the infant grows, it speedily manifests intelligence and moral feelings. It thinks, it reasons, it acts under the influence of its thoughts and its moral perceptions, as they are successively developed. Whose observation has been so obtuse, as not to observe the mental characteristics of the father or the mother in the child; in its modes of thinking, feeling, speaking, moving; yea, in the very expression of its countenance, and the peculiar attitudes and motions of its body? Who has not noticed the transmission, from generation to generation, of certain peculiarities of mental and moral character in families; so decided a transmission as not to be destroyed even by constant intermarriages with other families?

The child, therefore, must, and does receive an intellectual, a spiritual existence from its parents—from both parents. The influences of one modifying those of the other; sometimes those of the father—sometimes those of the mother, predominating.

It is not, therefore, a mere brute, to enjoy its vegetative and animal existence; to be governed by its sensations, and instincts; to live as its progenitors lived, and die as they died. No, it is a human being; it has its animal nature; it has its spiritual existence. It is capable of thought, of reflection; it has a perception of that which is beautiful, of that which is right—of that which is wrong, of virtue and vice. It has a *moral nature*; a *conscience*; its mind and heart are capable of steady, of permanent improvement; it has high intellectual and moral aspirations. It is not satisfied with the past or the present. It stretches its views, its desires, through, yea, beyond this lower world; it penetrates the very heavens in its restless activity and rejoices in the hope that there it shall find nobler and purer spirits, in whose companionship its now insatiable desires may possibly be satisfied. It knows and feels its spiritual existence,

and that this existence is capable of infinite improvement, and of infinite duration.

When, however, does this mystical union between the animal and spiritual natures of the human being occur? Is it at the *time of birth*; at *quickening* in utero, or at the *time of conception*?

Here the imagination of man has been very busy. Vain speculations have existed as to the moral nature; yea, even as to the great question of the moral accountability of unborn children. The medical philosopher, or rather metaphysician (for the boundaries of true philosophy have been transgressed), and also the professed theologian, have given reins to their imagination, and speculated freely as to the question, when does the union occur between the soul and body, between our corporeal and spiritual nature? This had been regarded, also, as involving the question of the perfect vitality of the foetus. *Prior* to this union the foetus was considered by many *inanimate*, or at best, but a portion of the mother, *pars matris viscerum*. *After* the junction, it was regarded as a perfect human being; possessing a moral, as well as a physical character. On this subject, there are, and have been, many extravagances. Hippocrates supposed animation occurred from thirty to forty-two

days after conception. The Stoics, on the contrary, maintained that there was no proper or perfect vitality until after birth, and the establishment of respiration. The Academicians maintained that life was imparted during gestation, and hence, even the Church of Rome speaks of *animate* and *inanimate* fetuses. According to some, this animation occurred in three days; according to others, in seven days; according to others, at the fortieth or sixtieth day, when the "pullulation," or organization of the foetus was completed.

The usual impression, and one which is probably still maintained by the mass of the community, is that the embryo is perfected at the period of quickening; say the one hundred and twelfth, or one hundred and twentieth day. When the mother first perceives motion, is considered the period when the foetus becomes animated; when it receives its spiritual nature into union with its corporeal.

These and similar suppositions are, as has been already shown, contrary to all fact, to analogy, to reason; and if it were not for the high authorities, medical, legal, and theological, in opposition, we might add, to common sense.

What, it may be asked, have the sensations of

the mother to do with the vitality of the child? Is it not alive because the mother does not feel it? Every practitioner of Obstetrics can bear witness that the child lives and moves and thrives long before the mother is conscious of its existence; therefore, long before quickening; and, on the contrary, that women have carried healthy living children to the seventh, and even to the ninth month without being conscious of their motions. Moreover, how can a foetus be termed *inanimate* when it grows, of course is nourished, and manifests all the phenomena of life? The supposition of inanimate embryos capable of being developed, is, at the present day, an absurdity. From the moment of conception it must be alive, for immediately it begins to be developed; it is separated, as you will hereafter learn, from the ovary, where it was generated, and travels, some three or four inches, through a narrow tube or canal, to the uterus, as much disconnected from the mother as the chick in ovo is separated from the parent hen. Its subsequent attachments to the mother, by means of the placenta and uterus, are so indirect (as will be hereafter demonstrated), that we are justified in asserting that the mother has little more influence upon the child in utero than the parent bird has upon its offspring in the egg.

If the question, therefore, be returned upon us, when does that mystical union between our corporeal and spiritual nature, between matter and spirit, and body and soul occur—we answer, at the time of *conception*. It is then only the father can, in any way, exert an influence over his offspring; it is then only the female germ is in direct union with the mother; this connection afterwards is dissolved. The tissues of the embryo, and of the foetus remain in *contact* with those of the parent, for the purposes of nutrition, but no *continuity* exists after the ovum leaves the ovary. To suppose that the body only is generated at conception, and that the spirit is subsequently added, is, in the absence of all direct revelation on the subject, philosophically untrue, being at variance with the facts and with reason, as has already been illustrated and enforced.

I have been led into this discussion, gentlemen, rather further than I anticipated, but not further than its importance demands. It is, in all respects, interesting and important. The opinions of medical men on these subjects regulate public sentiment, govern the tribunals of justice, and influence even the minds of the mental philosopher and the scrutinizing theologian. As respects the subject of the vitality of the foetus in utero, unfortunately, the

inconsiderate speculations of physiologists have become the foundation on which legislators have constructed laws, and the moralist promulgated rules, regulating human sentiments and conduct, on the subjects of criminal abortion and premature labor. If the embryo and foetus be, as the Stoics supposed, merely *portio matris viscerum*; if it be not possessed of sentient principle, a living soul, until the period of actual delivery, then all attempts to procure abortion or premature labor, to destroy the embryo or foetus in utero, are comparatively venial. Instead of being regarded as a crime of the darkest dye, a crime involving human life, human happiness, and the best interests of society, it is a mere "*misdeemeanor*," hardly to be noticed or punishable in the slightest manner. Hence, most of the ancient and modern laws do not protect the foetus in utero on the principle of an independent existence. They merely regard the attempt to destroy it as an injury to the mother, to be punished according to the kind and degree of injury thus inflicted on the parent. About the year 692, a very different sentiment was promulgated and supported in the Roman Empire; so that, by a council and decree of the Emperor, the procuring of an

abortion was *homicide*—murder—to be punished with death.

“In France, the Roman law was adopted, and the parliaments frequently condemned midwives to be hanged for procuring the abortion of girls; and physicians, surgeons, and others guilty of this crime, were subjected to the same punishment.”*

This continued until the period of the Revolution, when the punishment of death was commuted to imprisonment for twenty years; and by the Napoleon Code, in 1810, the degree of punishment was still further lessened.

In England, the “common law” (which is also adopted by the tribunals of justice in our country), as laid down by the celebrated Blackstone, is founded, as regards this subject, on the erroneous and still prevalent idea that the foetus, prior to quickening, is in a different state than it is when this event has occurred. Hence, the English law does not even notice the crime of procuring abortion before quickening; and even after this epoch, affirms that it is not murder, but a serious misdemeanor. *In rerum natura non*, “killing is not murder.”

* Beck, Med. Jurisp., vol. i. p. 275.

The good sense and virtuous feeling of the English nation have, however, interposed direct statutes to supply this deficiency of the common law. By the Ellenborough Act, under George the Third, in 1803, it was ordained that the procuring of an abortion of a female *not quick* with child, is felony, to be punished by fine, imprisonment, or exposure in the pillory, or that the criminal may be publicly or privately whipped or transported beyond the sea for any term not exceeding fourteen years. The same act also declares that to procure abortion *after quickening* is murder, to be punishable with death. This was afterwards modified by an act under George the Fourth. Lately, under Her Majesty, Queen Victoria, the whole subject has been revised, and more correct legislation has ensued, protecting the foetus from the time of conception, drawing no distinction whether the mother be quick with child or not. By the present law, therefore, of England, the procuring of abortion, at any period of pregnancy, is *felony*, to be punished by transportation for fifteen years, or for life, or by imprisonment for three years.

In our own country, this important subject has, most strangely, almost escaped the notice of our innumerable legislators. There has been but little

legislation on the subject. We are governed by the "common law" of England in this respect. Hence, criminal abortion is regarded merely as a misdemeanor, punishable by fine and imprisonment. In Massachusetts, it is not even an indictable offence, prior to quickening. At common law, it is not punishable at all, if done before quickening, and with the consent of the mother. The State of New York has, however, been aroused from this indifference to human life, and has presented a better example to her confederates in our Federal Union. By her revised statutes, criminal abortion, *before quickening*, is punishable by a fine not exceeding five hundred dollars, and imprisonment for one year. If the woman be quick, then it is punishable as manslaughter in the second degree.*

We trust this is the commencement of better things, and that our various legislatures will, in rapid succession, enact laws with suitable penalties, founded on correct philosophical views of the reality and importance of the life of the child in utero; that it is truly a perfect *human being*, and that its criminal destruction is *murder*.

* In March, 1860, the Legislature of Pennsylvania passed a law making the crime of feticide punishable by a fine of not less than \$500, and solitary imprisonment for three to five years.

It ought, however, to be added that, by the common law, if the mother perish in consequence of an attempt to destroy the product of conception, the perpetrator of this barbarous act is regarded as a murderer, although he had no intention to injure the parent. Judge King, of this city, in a charge delivered to a jury, on a trial for murder of the mother, caused by procuring abortion, declares that, at "common law," the crime is murder. "Every act of procuring abortion," he says, "is murder, whether the person perpetrating such act intended to kill the woman, or merely feloniously to destroy the fruit of her womb." The procuring abortion is "a base and unmanly act;" it is a crime against the natural feelings of man—against the welfare and safety of females—against the peace and prosperity of society—against the divine command "Thou shalt not kill." It is murder.

It is in vain to evade this conclusion. As far as human investigation has gone, or probably ever will go, in penetrating the mysterious function of generation; as far as the light of reason, or the torch of Revelation has elucidated the subject; there can be no reasonable doubt that human existence, corporeally and spiritually, commences, not with the birth of the foetus and the first inspiration,

but at conception; when the germs furnished by both parents are quickened into life.

Nutrition, growth, the development of organs, the successive display of organic, animal, intellectual, moral, and spiritual functions, are but the successive manifestations of that mysterious principle of life, the gift of the Creator, which, feeble as it may be when first exerted within the dark, impenetrable recesses of the mother's system, daily and hourly gains strength and energy, continually developing new organs and new functions, until, under its plastic and reviving influences, the invisible product of conception is developed, grows, passes through the embryotic and foetal stages of existence, appears as the breathing and lovely infant, the active, the intelligent boy, the studious and moral youth, the adult man, rejoicing in the plenitude of his corporeal strength and intellectual powers, capable of moral and spiritual enjoyments; and finally, in this world, as the aged man, whose system is preparing for new transformations, which, however humbling they may at first appear to the pride of man, and however apparently destructive to his corporeal and intellectual existence, are but the precursors of that glorious change, when, as Revelation teaches, "these natural bodies shall

become spiritual bodies," "when this corruptible shall put on incorruption," when changes will be effected infinitely greater and more mysterious than occur at conception, and during gestation, and when it will be found that the existence commenced in the ovary of a woman, mysterious and wonderful as it may be, is but the commencement of a series of changes, each more wonderful and glorious than its predecessor, to which the *same identical human being* will be subjected, even for eternity.

These simple truths, almost self-evident, and which might be easily deduced from *a priori* reasoning, have been strangely neglected by medical men, and of course by legislators, moralists, and other influential individuals, who give tone to the feelings of society.

We need not wander far for proofs of this assertion. The history of almost every nation is blackened by the hideous, unnatural crime of *infanticide*.

You have all read of the horrible sacrifices of infants among barbarous nations, to appease or propitiate their idol gods. You know that Greeks and Romans, with all their boasted wisdom and refinement, habitually exposed their infants to the most terrible deaths; that this crime is not forgotten in modern times; that among nations, de-

prived of the light of Christianity, the sacrifices and the wanton destruction of infants still prevail, whether we extend our view to Asia, Africa, or America, or the islands of the sea.

Criminal abortion is almost as prevalent. Hippocrates, the father of medicine, alludes to the potions taken by wicked women, or administered by still more wicked and detestable men, to procure delivery. The females of Rome have their depravity, in this respect, recorded on a monument, *perennius ære*, the Satires of Juvenal.

Would, gentlemen, that we could exonerate the *moderns* from guilt on this subject! It is, however, a mournful fact, which ought to be promulgated, that this crime, this mode of committing murder, is prevalent among the most intelligent, refined, moral, and Christian communities.

We blush, while we record the fact, that in this country, in our cities and towns, in this city, where literature, science, morality, and Christianity are supposed to have so much influence; where all the domestic and social virtues are reported as being in full and delightful exercise; even here individuals, male and female, exist, who are continually imbruing their hands and consciences in the blood of unborn infants; yea, even *medical* men are to be

found, who, for some trifling pecuniary recompense, will poison the fountains of life, or forcibly induce labor, to the certain destruction of the foetus, and not unfrequently of its parent.

So low, gentlemen, is the moral sense of the community on this subject; so ignorant are the greater number of individuals, that even mothers, in many instances, shrink not from the commission of this crime, but will voluntarily destroy their own progeny, in violation of every natural sentiment, and in opposition to the laws of God and man. Perhaps there are few individuals, in extensive practice as obstetricians, who have not had frequent applications made to them by the fathers or mothers of unborn children (respectable and polite in their general appearance and manners), to destroy the fruit of illicit pleasure, under the vain hope of preserving their reputation by this unnatural and guilty sacrifice.

Married women, also, from the fear of labor, from indisposition to have the care, the expense, or the trouble of children, or some other motive equally trifling and degrading, have solicited that the embryo should be destroyed by their medical attendant. And when such individuals are informed of the nature of the transaction, there is an expression of

real or pretended surprise that any one should deem the act improper—much more guilty; yea, in spite even of the solemn warning of the physician, they will resort to the debased and murderous charlatan, who, for a piece of silver, will annihilate the life of a foetus, and endanger even that of its ignorant and guilty mother.

This low estimate of the importance of foetal life is by no means restricted to the ignorant, or to the lower classes of society. Educated, refined, and fashionable women—yea, in many instances, women whose moral character is, in other respects, without reproach; mothers who are devoted, with an ardent and self-denying affection, to the children who already constitute their family, are perfectly indifferent respecting the foetus in utero. They seem not to realize that the being within them is indeed *animate*—that it is, in verity, a *human being*—body and spirit; that it is of importance, that its value is inestimable, having reference to this world and the next. Hence, they in every way neglect *its* interest. They eat and drink; they walk and ride; they will practise no self-restraint, but will indulge every caprice, every passion, utterly regardless of the unseen and unloved embryo. They act with as much indifference as if the living, intel-

ligent, immortal existence lodged within their organs, were of no more value than the bread eaten, or the common excretions of the system. Even in cases where mothers have suffered from repeated abortions, where foetus after foetus has perished through their neglect or carelessness, and where even their own health is involved in the issue, even in such cases every obstetrician can bear testimony to the great difficulty of inducing our wayward patients to forego certain gratifications, to practise certain self-denials, and to adopt efficient means for the salvation of the child.

This is not all. We can bear testimony, that in some instances, the woman who has been well educated, who occupies high stations in society, whose influence over others is great, and whose character has not been impugned, will deliberately resort to any and every measure which may effectually destroy her unborn offspring. Ashamed, or afraid, to apply to the charlatan, who sustains his existence by the price of blood, dreading it may be publicity, she recklessly and boldly adopts measures, however severe and dangerous, for the accomplishment of her unnatural, her guilty purpose. She will make extra muscular efforts by long fatiguing walks, by dancing, running, jump-

ing, kept up as long as possible; she will swallow the most nauseous, irritating, and poisonous drugs, and in some instances, will actually arm herself with the surgeon's instrument, and operate upon her own body, that she may be delivered of an embryo, for which she has no desire, and whose birth and appearance she dreads.

These facts are horrible, but they are too frequent, and too true. Often, very often, must all the eloquence and all the authority of the practitioner be employed; often he must, as it were, grasp the conscience of his weak and erring patient, and let her know, in language not to be misunderstood, that she is responsible to her Creator for the life of the being within her.

After this exposition, and the details which have been given, and especially in view of the influence which medical science must exert on these questions, it seems hardly necessary to repeat, that physicians, medical men, must be regarded as the guardians of the rights of infants. They alone can rectify public opinion; they alone can present the subject in such a manner that legislators can exercise their powers aright in the preparation of suitable laws; that moralists and theologians can be furnished with facts to enforce the truth on this

subject upon the moral sense of the community, so that not only may the crime of infanticide be abolished, but that criminal abortion be properly reprehended, and that women, in every rank and condition of life may be sensible of the value of the embryo and foetus, and of the high responsibility which rests on the parents of every unborn infant.

While thus advocating, in this place, the importance of Obstetric science, as bearing on the welfare of women and of children, and hence on the best interests of society; while presenting myself, as an advocate, as well as one of the physical guardians of the rights of infants, it is with no ordinary satisfaction that I can survey such an assemblage of intelligent and educated young men as are here collected, who have devoted themselves to the pursuit of a science so exalted, so noble, so useful as that of medicine; who, with an ardent enthusiasm, have determined to wage a war of extermination against any and every opinion and practice which in any degree infringes on the rights of women and their offspring.

In this glorious work I bid you prosper. Your rewards may not be riches and honor, but they will be more valuable and enduring, arising from

the smiles of an approving conscience, and the blessing of that Being who has pronounced the severest curse on the crime of murder.

In the above argument addressed, as it was, to students of medicine, my great object was to impress upon their minds the nature and importance of foetal life, that thus they might be prepared to exert all their talents and influence, for the preservation of the unborn child.

In the course of the ordinary practice of the physician such efforts must be daily made to counteract all the innumerable causes of abortion incident to married women, whose moral character is untainted, and whose desires and convictions alike contribute to the preservation of their offspring.

But unfortunately the physician will be soon conversant with cases where mothers have no wish to preserve the intra-uterine being. This observation is often true even as regards married women. The dread of suffering, fears respecting their own health and strength, the trouble and expense of large families, and professedly, also, the responsibility incurred in the education of children; these

and other reasons equally futile and trifling, operating on minds ignorant of the importance of foetal life, or it may be upon those whose understandings are weak or whose hearts are vicious, induce them to destroy the product of that conjugal union for which marriage was instituted.

To all such the physician may address himself with earnestness, and with a strong hope that he can favorably impress the mind and heart of the deluded woman. Doubtless he will sometimes fail, but nevertheless let his language be plain and urgent, and he will often have the satisfaction, not merely of preserving the life of the unconscious foetus, but also of contributing to the intellectual and moral welfare of his confiding patient.

Nevertheless, there are numerous women to whom all such intellectual and moral appeals will be in vain. To unmarried women especially such appeals will seldom be effective. Fear, shame, even contrition, it may be, so absorb their minds and hearts that they are incapable of reasoning, and insensible to any moral impression. To preserve their reputation and escape degradation becomes the all-absorbing idea, and renders them perfectly insensible to all other considerations.

Much as the medical practitioner may sympathize with these unfortunates, and, however anxious to deliver them from impending evils, he must nevertheless never swerve from the path of duty. He may be kind, sympathetic, and charitable, and contribute in any possible way to diminish the anxiety and protect the character of his patient, short of sanctioning, either directly or indirectly, any injury to the intra-uterine being, which he and its unfortunate mother are solemnly bound to protect.

The resources of the profession are not, however, exhausted by these arguments drawn from science and morals. The physician may address himself to the selfishness of his patient, to her fears, to her love of life, health, and worldly happiness, all of which are jeopardized by every forced abortion. A long catalogue of facts can easily be arraigned upon these points. The life of the mother is often the sacrifice. Our courts of justice abound with cases where abortionists have been tried in consequence of the death of their victims; and a far larger number of these fatal cases are known by physicians and others, which, from various circumstances, escape the notice of juries and of judges. Accoucheurs always consider even accidental mis-

carriages as serious accidents, sometimes involving the life of the mother, and frequently productive of a chain of local and constitutional troubles, which often continue through life. When such miscarriages are induced by medical or surgical measures, the dangers are exceedingly aggravated, not only from the forcible interruption of a natural process, and from the means by which this is effected, but from the peculiar circumstances of the deluded woman. Her physical, mental, and moral being are all in a state of morbid excitement. She is in every way predisposed to physical and mental disorders. The very secrecy which must attend the operation deprives her of all those comforts and appliances necessary for the preservation of her health and welfare. And it is no wonder, therefore, that her physical being often succumbs, or that her mind should give way under the influence of contending feelings and passions. Many physicians, therefore, have regarded abortions, especially those induced by unnatural means, as far more dangerous to life than natural labor at the full period of gestation. This fact may be impressed upon the minds of those who imagine themselves too weak, or too diseased to encounter a natural labor.

There can be no doubt, however, that where

life is not destroyed, still a long train of physical evils often results from forcible abortion. Local injuries to the uterus, and to the surrounding tissues, inflammation, preternatural adhesions, abscesses, are among the common results. These are often followed or attended by displacements of the uterus or of the ovaries, or congestions, leucorrhœa, menorrhagia, and by all those innumerable sensations and pains, severe and indescribable, which are comprehended under the words neuralgia, hyster-*algia*, spasms, rheumatism, &c., which deprive the patient of all comfort and happiness, confining her as an invalid to her couch or bed for many years, often for life.

From all these local irritations and disturbances the general health suffers. The mere confinement to the house, and to the couch, to the exclusion of fresh air and invigorating exercise, and all the usual pleasant and moral excitements and domestic and social intercourse, has a deleterious influence upon the health. The woman becomes weak, pallid, anæmic, and nervous. Her digestive powers fail; dyspepsia with its innumerable ills, such as acidities, flatulency, pain, constipation, colics, spasms, supervenes, hence increasing her debility,

her anæmia, and disturbing the function of almost every organ in the economy.

From these pelvic diseases also follow in rapid succession spinal and cerebral irritations, neuralgic and rheumatic pains, torturing headaches, spasms and convulsions, mental and moral disturbances in every degree, from simple mental confusion even to confirmed mania. Under the influence of these combined evils, no wonder that human nature often succumbs, or that life becomes a burden almost, if not altogether intolerable.

No experienced physician would contend that these terrible disturbances of the economy may not and often do occur from any other causes than forced abortion. Neither is it true that all women, guilty of foeticide, have suffered from the physical, intellectual, and moral evils just mentioned. Many doubtless escape. This crime, like many others perpetrated in secret, may in this world escape detection, and be marked by no serious consequences. Nevertheless it is true that the woman's health and even her life, by every such violation of natural and moral law, is jeopardized. And disease of a protracted and painful character, more frequently supervenes than from ordinary causes. Hence it becomes the duty of the physician to portray, even

in strong language, the dangers to health and life which so frequently follow in the train of criminal abortion.

The corollary or conclusion from this whole argument is that human life commences at the time of conception; that the embryo and foetus therefore should be protected during its intra-uterine life as sedulously as after birth. Hence, that all efforts, direct or indirect, to disturb the progress of gestation, or to injure the product of conception, are criminal, alike violating the laws of nature and of God. That this crime, fatal to the foetus, is often destructive also to the mother's life, and in a large number of cases, where her life is not forfeited, she becomes a prey to a long catalogue of physical and moral evils; injurious alike to the health of her body and mind.

It results also that the best interests of society, and the prosperity of the nation, are deeply involved in this subject.

Hence every citizen, every parent and guardian, every right-minded and virtuous individual should throw the weight of his influence and authority against this wide-spread crime, destructive alike to domestic happiness and to the national prosperity. Greater attention should be paid to the intellectual

and moral culture of the young at home and in schools, so regulating the studies of boys and girls, that their minds and hearts may be suitably developed for the performance of their respective duties in after life as men and as women, avoiding everything which may prematurely and unduly stimulate their imaginations and passions, and which too often prove a prolific cause of moral deterioration in their subsequent life. It is indeed by a religious education alone that this and other crimes can be arrested. In the mean time, much may be done by reason and persuasion, or if needs be, by legislative and executive authority.