tient a bath of mustard-water, the temperature of which should have been about 100°F. This plan would have brought down the body-heat and at the same time increased the amount of blood in the superficial vessels, and just so far relieved those of the brain.

The proposal recently advanced, that the patient should be placed in a decidedly cold bath and allowed to remain in it sufficiently long to noticeably reduce his body temperature, would, if followed, unquestionably diminish the temperature, but by the action of cold upon the surface the internal congestion would be greatly augmented, and this alone, setting aside the depressing effect of continued cold, would apparently aggravate the already dangerous state of the patient. Had this man sought advice when he first complained of a sensation of weight or fullness in his head, the free administration of the bromide of potassium or ammonium might have served as a prophylactic, if, at the same time, he had taken a brisk cathartic and ceased to work.

CASE II.—I was consulted in the early part of July, 1871, when the mercury ranged over 100°F., by J. A., æt. 38, an American tinner, on account of severe pain and fullness in his head.

In July, 1853, at 10, A.M., while tinning a roof, he fell down insensible from sunstroke, but soon revived sufficiently to walk home, with assistance. Since then he has suffered from pain and dizziness every summer, and has been in the habit of douching his head for relief when the temperature has been high or when he has become greatly heated by exercise. After taking twenty-grain doses of the bromide of potassium, the symptoms of which he complained soon disappeared.

Remembering that the state of the cerebral circulation can be ascertained by the condition of the fundus of the eye, I examined the eyes of this patient, but was unable to detect any increased redness of either disc from capillary congestion, nor could I see that the arteries were more apparent or the veins more dilated or tortuous than in normal states of the brain. It is probable, however, that if experienced observers would examine the eyes of persons who have been sunstruck they would discover these and perhaps other appearances.

CASE III.—G. A., 12 years of age, and eldest son of the above, while bathing in a pond, in August, 1869, remained a long time exposed to the sun, and after his return home (a short distance), between 10

and 11 o'clock, A.M., became insensible, and did not recover consciousness until the following day. His attending physician considered the case a severe one of sunstroke. As pain in the head continued, he was kept from school for a year.

He now has the same pain when the weather is decidedly warm, and is disposed to stay quietly in the house rather than play with other boys. Before his attack of heat-fever he was a quick scholar and had an active mind, while at present he has a disrelish for all books and all mental effort. It is not improbable that certain brain-cell changes were developed by the disease, which, if more general, might have resulted in insanity.

THE LAW AND CRIMINAL ABORTION.

By J. O. WEBSTER, M.D., Lynn.

MUCH has been written about the prevalence of criminal abortion; its wickedness has been depicted in language none too strong, moral suasion and the terrors of religion have been exhausted in the vain endeavor to root it out, and meanwhile this curse of our civilization prevails as extensively as ever, perhaps more so.

Notwithstanding the flings that have been made at the medical profession in connection with this matter, by both the secular and the religious press, I think that we have not been remiss in our duty. Honored members of our profession have labored to enlighten the public with regard to the enormity of this crime, and their publications are scattered broadcast over the land, read but not heeded; and we expel from our Societies those of whose guilt we are morally certain, without waiting for legal conviction, but Christian families continue to employ the same men, and their popularity is rather increased by their reputation.

But these things are old; we have heard them repeated many times, and have no wish to dwell upon them.

My special object in writing this paper is to bring up a question that is often asked, and try to answer it. The question is this: Why are not abortionists punished? Every one knows how often a coroner's jury finds a verdict of "death caused by criminal abortion"; but how rarely the person charged with the crime is brought to trial. This is due to the fact that the kind of evidence usually available in these cases, although perfectly satisfactory to a coroner's jury, cannot be admitted in a court of law;

and this evidence is *the woman's dying declaration*. Now a dying declaration, from the solemnity of the circumstances under which it is made, would seem to have all the weight of an oath, and it was formerly admitted as evidence, if I mistake not, in all cases, criminal and civil; but this principle has been changed and is now stated as follows:—"They are admissible, as such, only in cases of homicide, 'when the death of the deceased is the subject of the charge, and the circumstances of the death are the subject of the dying declaration.'"—Greenleaf on Evidence, I., § 156.

The law of Massachusetts does not make a criminal abortion, when followed by the death of a woman, homicide; therefore the only evidence that exists, in most cases, with regard to the perpetrator of the crime, is inadmissible in court, the case is necessarily allowed to drop, and the guilty wretch, whose prototype was the fabled vampire fattening on the blood of its victims, goes scot free to continue his nefarious occupation—"the slaughter of the innocents."

This explanation is not fanciful or theoretical, but is given by one of our district attorneys as *the reason* why, in repeated cases, abortionists, of whose guilt there could be no doubt, were not brought to trial.

If the public, especially those entrusted with the making of our laws, occupied the advanced ground of our profession on this subject, this state of things would not exist. We have long held and expressed the opinion, nearly if not quite unanimously, that the criminal abortionist, even when the child only is sacrificed, and at however early a stage of its existence, is morally guilty of wilful murder, doubly guilty when the mother, too, loses her life.

Having shown the reason why the criminal abortionist is not punished, it is easy to suggest a remedy. With the law regarding abortion not followed by the death of the woman we would not interfere, for although the punishment is inadequate to the offence, any change would be useless, for the reason that these cases are hardly ever known to the legal authorities, and the opportunity of inflicting even the present penalty does not occur. But when the death of the woman does follow as the consequence of an abortion, we would make the crime *manslaughter*, thus allowing dying declarations to be admitted as evidence on trial, and, we confidently believe, resulting in the conviction of many of these

miscreants that the present law does not reach.

Manslaughter is, in law, "the unlawful killing of a man without malice, express or implied. This may be voluntary, upon a sudden heat or excitement of anger, or involuntary, but in the commission of some unlawful act."

We submit that the crime of which we are speaking comes fairly under the above definition, being the unlawful killing of a woman, in the commission of an unlawful act.

For the reasons above stated, we would have our honorable law-makers turn their attention to this subject, and make such an amendment to the law as shall make it declare that criminal abortion, when followed by the death of the woman, is manslaughter. This change would not increase the penalty for the offence, but would simply, as we believe, largely increase the certainty of punishment.

I think this matter has been brought before our Legislature in the past, but unsuccessfully; and we fear that even now public sentiment is not sufficiently awakened to the enormity of this crime to give us much reason to anticipate success from a new effort. But is it not worth trying for? The medical men of Massachusetts can exert a tremendous influence if they will; shall it not be exerted in favor of this important reform? Will not the Medical Society of our metropolitan district inaugurate the effort and endeavor to have petitions for this change signed by every practitioner in the Commonwealth and presented to the Legislature at its approaching session? I doubt not that the other district Societies would gladly coöperate in the undertaking, and that the physicians of Massachusetts would, for once, make it manifest that they are a power in the land. This would also be an effectual way of abolishing the suspicion, still lingering in the public mind, that we are disposed to tolerate abortionists—a suspicion that, if it ever had any foundation in fact, is now baseless.

THE CAUSES AND PREVENTION OF NEAR-SIGHTEDNESS.

By Dr. KAMPE, Surgeon of the Austrian Imperial Army.
Translated by HENRY W. WILLIAMS, A.M., M.D.,
President of the American Ophthalmological Society,
Ophthalmic Surgeon to the City Hospital of Boston,
from the Wiener Zeitung.

The researches, prosecuted with great industry and untiring perseverance by Dr. Cohn, of Breslau, upon the refractive con-