REPORT OF THE TRIAL OF A MEDICAL PRACTITIONER, ON A CHARGE OF INTENT TO PROCURE ABORTION.

By THOMAS SHAPTER, M.D., Physician to the Dispensary, Exeter.

TO THE EDITOR OF THE PROVINCIAL MEDICAL AND SURGICAL JOURNAL.

SIR,

I beg leave to forward for insertion in the Journal the following account of the trial of a medical man, Mr. Calder, residing in St. Thomas, near Exeter, for administering medicines with intent to procure abortion. To this report I have appended some few observations.

I am,

Your obedient servant,

T. SHAPTER, M.D.

Exeter, March 30, 1844.

The Castle, Exeter, March 24, 1844. Before Mr. Justice Cresswell. James Calder was charged with having administered to Elizabeth Chamberlain a large quantity of a noxious drug, called Savin, with a view to procure her miscarriage. There was a second count charging the prisoner with having caused it to be administered. He pleaded not guilty in a distinct and firm tone.

Mr. Merivale conducted the prosecution: Mr. Rowe, the defence.

The evidence to substantiate this charge may be divided into the general and the medical. Of the former I shall merely give an abstract; the latter will be quoted as fully as the local reports permit.

Elizabeth Chamberlain, in her examination in chief, stated herself to be an unmarried woman, and that she had been attended by Mr. Calder as a medical man five years since; in June last he persuaded her, being out of a situation, to take a lodging at the house of a Mrs. Mortimer, where, on two or three occasions, he had connexion with her. A fortnight after these visits she told him of her being in the family way by him; when he said, "he would give her something that would soon set that to rights." The witness then deposed to the taking of pills containing oil of savin, savin powders, and a decoction from a black root (*ergot of rye*), each of which medicines had made her very sick. Also to the delivery of a packet of dark coloured powders (*carbonate of iron and cantharides, vide infra*), which she did not take. Of the savin pills, from their "smelling so dreadfully disagreeable," she took but few, throwing the residue with the box into the fire-place. She stated that the dark powders were brought by Mr. Calder's son, tied up and sealed. The note wrapped round them was put in and read as follows: "Meet me on Northernhay, at eleven o'clock this morning, J. C. Take one powder every night and morning." On the other side was, "Miss C., at Mrs. Mortimer's, Pancras Lane. Bring a basket (t) with you." The note was put into Chamberlain's hand, and she said the last sentence, as well as the other part, was

in the handwriting of the prisoner. She also stated that Calder, who had at first supplied her with some little money and a few necessaries, had latterly refused assistance, and absented himself from engagements.

On cross examination it appeared that the witness had a child five years since, upon which occasion Mr. Calder first saw and attended her. Three years subsequently she had another child, by Charles Harding, the husband of her aunt, and between whom and the prisoner, two months subsequent to the birth of this child, a quarrel had taken place. The witness also admitted that, previous to the birth of her first child, she had entertained the proposal of taking matters to procure abortion; and that, during the time she was taking the savin and other drugs, by the direction of the prisoner, she took a something infused in gin from another party for this purpose.

Charles Harding, the person referred to in the above witness's testimony, as the father of her second child, stated, that he had occasionally visited Elizabeth Chamberlain at Mrs. Mortimer's. On the 7th of October last, she told him she was in the family way by the prisoner; upon this occasion she gave him a key, with which he opened a box in her room, where was a basket, containing several powders (*savin, carbonate of iron, &c.*) He acknowledged that he had had "severe, very severe" words with the prisoner on some previous occasion.

For the defence:—Jane Prout and her husband stated that Elizabeth Chamberlain had lodged with them five years ago, when large in the family way, upon which occasion she took a tea, which made her very sick, and that she said it was savin, and took it for the purpose of "passing by" the child. These witnesses also deposed to Harding's having said, on more occasions than one, that he would "be revenged on Calder."

Elizabeth Mortimer stated that the prisoner attended in her house as a medical man, that Elizabeth Chamberlain came to lodge there in June last, agreeing to pay for the lodging herself, but the prisoner promising to pay in case she was not able. Chamberlain told her she was pregnant, that she had had connexion with two other persons, but that the child was Mr. Calder's; wished her to procure for her paradise seed, which she refused to do; had never seen her take anything to damage her child; knew she had some gin in a bottle, and has heard her say she used to take it. One packet of medicine was brought to her from Mr. Calder's, but witness never saw her take any medicine at all, and had no idea there was savin in the house. Saw a box of pills taken from the fire-place; had heard Elizabeth Chamberlain say that if Mr. Calder did not come forward as she wished, she would set her uncle on him, who would take his life. Harding came to my house after she left, and said he wished to open her box. He came again and brought the key. I went with him as far as the door of the room, and pointed to the box. As he walked across the room he searched his coat and trowsers pocket. He had the key in his left hand. I turned round to put a letter on the chimney-piece, and in a moment he threw open the box, and, with the paper in his hand, exclaimed: "I will do for the b——." It was the moment the cover was open.

asked what he meant; he said, "you know nothing at all about it, but I do." He said he meant Calder. He said he had a dozen powders in one hand, and four in the other. He said he would take six from one and two from the other, and put in his pocket. They were lying one on the other, and not tied. I did not see the paper now produced—(the note in which it was said the powders were wrapped.)

Thomas Dainty deposed that Elizabeth Chamberlain had offered, for a sum of money to be advanced by Mr. Calder, to absent herself, so as not to be forthcoming, on the trial; and that on one occasion she said, "That villain Harding is more guilty than the man he is about to prosecute, if he does not mind he shall not have his design out."

A number of witnesses were called to character, stating the prisoner to be a humane man, and not one they would suspect of committing this offence.

Such are the essential features of the general evidence. The medical evidence for the prosecution was as follows:—

Arthur James Cumming, Surgeon—Lascelles gave me 12 or 13 powders, one of which was wrapped in a screw of paper. He also gave me a box of pills. By the Judge—One of the powders was in a screw of paper, not as if a medical man had folded it. Some of the powders were composed of two substances, which are separated as I now produce them. There are seven complete powders. All that I received but one, had Harding's name on them, and all were numbered except one. They are all marked "C. Harding." The paper number one, contains carbonate of iron. The powders were made of carbonate of iron and cantharides; I weighed three or four powders, and each weighed a drachm. I then analysed them and found they contained powdered cantharides and carbonate of iron. There were two powders of savin only. Number one contained $52\frac{1}{2}$ grains of carbonate of iron, and between 4 and 5 grains of cantharides. Number two contained 49 grains of carbonate of iron, and $1\frac{1}{2}$ grains of cantharides; number six contained 50 grains of carbonate of iron, $1\frac{1}{2}$ grains of cantharides; there were 10 or 11 powders so composed. The two powders of savin contained one a drachm, the other 10 or 12 grains. The effect of the powders containing the cantharides would be, if taken frequently, to cause great irritation of the kidneys and bladder. Preparations of iron are given to cause menstruation. The powders, containing the larger proportions of cantharides, would produce great irritation, and if carried on might bring on miscarriage. It would produce excessive irritation, and that would be likely to produce abortion. Savin acts in the same way—a drachm is a very large dose. I should be afraid to give so large a dose as four grains of powdered cantharides. I know Ergot of rye—it is not a root—it is diseased rye. It is given to bring on labour, and during the hours of labour to expedite it. It acts specifically on the womb, and would no doubt produce miscarriage. I never knew savin, in practice, given internally in substance. The pills are cough pills, I should think. Cross examined—Some of the powders, numbers 4, 5, and 3, and the one that was

wrapped in a screw of paper, and number 7, are in the same state as when I received them. Seven of the powders were marked with the name, Harding. Savin was in the paper screwed up. The other paper containing savin is in the same state it was in when I had it. By the Judge—I never knew cantharides in this form given before. The powders were very unequally mixed. The usual mode of administering cantharides is as a tincture. The carbonate of iron, if by itself, would not be an unusual dose. It is given as a tonic medicine, and would produce no bad effect on a woman so situated; mixed with the cantharides and continued two or three times a day, it would bring on great irritation. That is the only form in which carbonate of iron can be administered. The only way in which cantharides is used in substance is for blisters. Large doses of savin would produce sickness. Ergot of rye is generally given in an infusion, boiling water being poured upon it.

William Dashwood Kingdon, physician of Exeter, corroborated the previous evidence.

Mr. Cumming re-called:—I think that irritation brought about by cantharides would, if continued, be likely to produce abortion. I have been two years in practice. I never had one case of the sort, and never knew cantharides given that way.

Would it not require medicine that would endanger life to produce abortion? I think cantharides in those doses if continued would not endanger life, but would be likely to produce abortion. There is no doubt cantharides would produce abortion, arising from irritation. It is the received opinion of the profession that they would produce abortion. I do not think a medical man would use them to procure abortion. There would be many more available modes to a man of experience and skill. Re-examined—Ergot of rye would be the most efficient medical agent to procure abortion by acting specifically on the uterus.

By the Judge—Ergot of rye would act with greater ease when gestation was advanced.

For the defence:—John Harris, Surgeon, of Exeter; have practised for forty years; have known the prisoner for five or six years; he has been practising in the lower part of the city; I met him at one or two consultations about six years ago; I thought him a humane practitioner, and have heard patients generally speak of him as a respectable man. I have known powdered cantharides given in substance, but have not given it myself. If I found powders containing cantharides, varying in quantity from one and a half to five grains, I should conclude they had not been mixed by a medical man; I should think the powders produced were not mixed by a medical man; I do not know from experience that powdered cantharides has been given for the purpose of procuring abortion; but I have read of it; I should think cantharides one of the last things a medical man would employ for such a purpose. Ergot of rye can be procured from every druggists' shop.

Thomas Shapter, M.D.—I am a physician, and have been practising in Exeter for some years; I have heard the opinion Mr. Harris has given, and I agree with it; I should think cantharides decidedly not a likely thing

for a medical man—a man of science—to give in order to procure abortion. I should say that cantharides and savin are, by popular error, considered to act specifically in producing abortion; any medicines given for that purpose would endanger life. Ergot of rye is used in difficult labours to accelerate them, but I have never heard of its producing abortion in the earlier periods of pregnancy; it would be a dangerous medicine in the later stages; labour must be almost incipient before it would produce effect. When I saw the powders it was my opinion that they had not been carefully or accurately dispensed; I should not have supposed they had been dispensed by a medical man who had been 24 years in practice. I have met Mr. Calder occasionally, and never heard anything to the contrary of his being a humane and respectable man.

Cross-examined:—I have known but little of Mr. Calder. I believe that cantharides, savin, and ergot of rye, have no specific effect in producing abortion, and I think any medical man who would use medicines to produce abortion would risk his patient's life. I do not think any medical man would attempt to produce abortion by medicines. I do not think ergot of rye would act unless natural action had commenced. I never heard of ergot of rye producing abortion.

W. Land, surgeon, of Exeter; in practice since 1812. My opinion decidedly coincides with those of Dr. Shapter and Mr. Harris. I have known Mr. Calder eight years, and always heard that he was a kind hearted humane man, and bore a good character.

The jury instantly returned a verdict of NOT GUILTY, which was received in court with great applause.

In taking a review of the above evidence we observe that the chief witness, Elizabeth Chamberlain, was, according to her own admission, of eminently bad character, and a participator in the crime of which she alleges the prisoner to be guilty; that before becoming acquainted with him, she had entertained the proposal of taking drugs for the purpose of procuring abortion, and that according to the evidence of another witness she did administer to herself savin for this purpose; she also admitted that during the time she was taking the drugs furnished her by the prisoner, she was taking medicines from another party to procure abortion. We also observe that her statement of being made sick and ill on the several occasions of taking the said drugs is not supported by the evidence of the woman with whom she lodged; and that a box of pills, a form of medicine difficult to be tampered with, was found where the witness stated she had thrown those which smelled so “dreadfully disagreeable” from their containing as she said oil of savin, and proved on examination to be composed of medicines of an ordinary and innocuous character.

The testimony of Chamberlain, with regard to the note enveloping the packet of powders is more than improbable,—it is incredible that a father living with his wife and family, would make a son, seventeen years of age, the bearer of a parcel to his paramour, containing drugs of the nature, and for the purpose alleged, and that, moreover, with a superscription

implying an intended assignation. But to look to the paper itself, the writing of the latter portion was not only totally dissimilar from that of the ordinary direction of “a powder to be taken night and morning;” but the word basket (t) was misspelt, and moreover, the statement of the packet having been sealed was not borne out by corroborating appearances on the paper itself.

The evidence of Elizabeth Chamberlain is substantiated solely by that of the acknowledged father of her second illegitimate child. This man admitted he occasionally visited her, and we find him to be the agent to discover and produce the drugs in question; suspicious as this naturally is, it is rendered still more so, by his admission of having quarrelled with the prisoner, and according to other testimony, sworn to be revenged.

In conclusion, we may observe, that Chamberlain acknowledged to prostitution, and it is subsequently evident that the prisoner was to be made the scapegoat of its consequences, for we find her asserting his being the cause of her pregnancy, so early as a fortnight after cohabitation; nor must it be lost sight of, that the charge against the prisoner is only advanced on his refusing to see, or supply her with pecuniary and other assistance.

In noticing the medical evidence, we may speak, 1st, of that portion which relates to fact; and 2ndly, of that which relates to opinion:—

1st. It will be observed, that one portion of the savin powder was in a screw of paper,* certainly unlike the form in which medicines are sent out by an apothecary; whilst the carbonate of iron powders, consisting of tolerably equal proportions of this substance, contained besides very unequal quantities of cantharides, varying from one grain and a half to nearly five grains, and that too in so rough and unpulverized a state, as would lead one rather to suppose, that in place of being properly triturated together, they had been merely broken up and subsequently added.

2nd. The opinion of the medical men, though somewhat differing on one point which will be subsequently noticed, affirmed the powders were not such as would be dispensed by a medical man, and that in the present state of science no professional man would administer the drugs in question for the purpose proposed. We are therefore not surprised that the jury viewed the whole affair as a conspiracy and returned a prompt and unhesitating verdict of acquittal.

Such I believe to be a fair account and analysis of the evidence on this extraordinary trial. I now propose examining somewhat in detail the question of the specific action of medicines in inducing abortion, upon which question it will be recollected, some difference of opinion was entertained by the medical evidence. Before proceeding to this, however, I shall refer to some lesser matters, which presented themselves in the course of the trial.

It was mentioned on the part of the prosecution by

* Though it stands thus upon the evidence, yet as it passed into several hands, it might have been so arranged subsequently.

Mr. Cumming, that he had analysed the powders, but no enquiry was made of him as to how this analysis was conducted, or by what means he came to a conclusion as to their nature. Mr. Cumming has favoured me with the following statement:—That he determined the nature of the several matters from their external characters—the savin by its taste and smell, and the carbonate of iron and cantharides by their general appearance. The carbonate of iron was separated from the cantharides by the aid of a magnet, and by sifting through fine muslin, which retained the latter from its being so coarsely powdered.

The prisoner was indicted for the administration of savin, no mention being made of any other drug, therefore, on the production of the powders containing the carbonate of iron and the Spanish fly, the counsel for the prisoner objected, on the ground that it had no relation to the intention charged in the indictment; this objection was, however, overruled by the judge on the general principle that evidence of a subsequent felony may be adduced in order to show the intent wherewith the former felony was committed.

In the course of my own cross-examination, the counsel for the prosecution was about to put a question, which was overruled by the judge. Had it been proposed it might have brought me *apparently*, though not really, in collision with the statements of Beck. The mode in which this was attempted is not unworthy the consideration of the medical witness.

EXAMINATION:—Is not the work of Dr. Beck an acknowledged authority on medico-legal questions? *Ans.*—It is. You have just stated that certain medicines have no specific effect, what then do you understand when Beck says, "Even cantharides have been taken in very large doses, with a view of procuring abortion, without accomplishing the desired effect?"

The judge on this interposed, saying no opinion of Beck could be evidence, and therefore it was needless to press the question, but that counsel might ask for an opinion upon the statement involved in it. The object of the cross-examination was evidently, however, not to elicit such an opinion, but a hope that in commenting on this passage, I should state that Beck obviously intended to imply the usual effect of cantharides to be that of procuring abortion; it would then have been shown that my opinion differed from that of this acknowledged authority.

I would therefore suggest to all medical witnesses, before they are entrapped into commentaries upon whole or garbled passages, that they request the book to be placed in their hands, and examine the context for themselves.

Having now alluded to these lesser matters, I shall proceed to enquire into the question of specific agency of certain medicines in the production of abortion.

(To be concluded in our next.)

CASE OF HÆMORRHAGIC TENDENCY COMPLICATED WITH PURPURA, AND WITH STRUMOUS DIATHESIS.

By R. T. HUNT, Esq., Consulting Surgeon to the Lying-in Hospital, Manchester.

1843. March 21st. T. Gregory, aged 24, a musician of very dissipated habits, and of strumous diathesis, was attacked early this morning with alarming hæmorrhage from the gums, which had continued increasing until 9½ p.m., when I first saw him. There is a constant profuse oozing of arterially coloured blood from the gums surrounding every tooth in both jaws, but not from any other part of the mucous membrane of the mouth. Where the gums should embrace the teeth they are soft, spongy, and retracted from each tooth, but not ulcerated. The gums near the outer incisor, the canine, and bicuspid teeth, on the left side of the upper jaw, bleed more freely than the others. Of these teeth only decayed stumps remain, with apparent absorption of the alveoli. The mouth is filled with fluid and coagulated blood, which, mixed with saliva, he frequently puts out into a small wash-hand basin, which has been often emptied during the day. Countenance anxious, but neither flushed nor pale; pulse quick and throbbing, respiration natural, bowels constipated, and have been so for some days, urine scanty; no headach nor any other pain. I applied the nitrate of silver freely to the gums, and prescribed the following lotion:—

Nitrate of potass.	½ ounce.
Sweet spirit of nitre	1 ounce.
Water	6½ ounces.

22nd, 11 a.m. The bleeding has continued, having been only slightly checked by the caustic. The bowels have not yet been opened.

As he stated that the bleeding began yesterday with cleaning his teeth, and that he had never previously been subject to hæmorrhage from the mouth, nose, nor any of the mucous membranes, I did not become fully aware of the nature of the case until this morning. But I now observed scattered over the body, but more particularly over the face, neck, and shoulders, a purpurial eruption of the small punctuated kind, accompanied with a few small papulæ. This circumstance, combined with the manner in which the blood incessantly oozed from the gums, without any jet, its arterial colour, and the absence of any degree of faintness, although so much blood had been lost, led me to conclude that this was a case of hæmorrhagic tendency, to a certain extent modified by the scrophulous diathesis.

The degree to which the system was affected by the scrophula was evident from the numerous enlarged glands in the face and neck; those in the face situated over the parotid gland being at present in a state of inflammation. He was ordered the following mixture:—

Sulphate of soda	2 ounces.
Water	6 ounces.

The caustic was again applied, the actual canterly appearing objectionable on account of the extent of the bleeding surfaces, and compresses of lint were placed between the gums and lips, and between the teeth. In the course of the afternoon, I removed the lint and