

The very serious statement has been made that—

“In many cases professional abortionists have the assistance of one particular doctor who attends their patients when medical skill becomes necessary. The doctor either treats the patient successfully or sends her to hospital on his own personal note, and in neither case does the identity of the abortionist come to light. There is reason to believe that in many such cases the assistance of the doctor is given knowingly and in collaboration with the abortionist contrary to the rule laid down in Sydney Smith's ‘Forensic Medicine,’ 3rd edition, page 362, that ‘It is no part of a doctor's duty to act as a detective, but it is equally certain that it is no part of his duty to act as a screen for the professional abortionist.’”

The Committee would earnestly draw the attention of the responsible medical authorities to the suggestion that there are even a few members of the profession who are prepared to “cover” the abortionist when difficulties arise.

It is quite well realized that there are many occasions on which the general practitioner quite innocently comes in contact with these cases: that is an entirely different matter.

It is a further complaint of the police that they are hampered by the fact that rarely are they notified of a case of criminal abortion until the woman's condition is so critical that it is impossible to obtain a statement from her, and if she dies the evidence she might have given is lost. Without such evidence there is little chance of successfully prosecuting the abortionist.

To overcome this difficulty it has been advocated that, where a patient is admitted to hospital and is suspected to be suffering from the effects of criminal abortion, it should be the duty of the responsible medical officer of the hospital to notify the police forthwith and supply all the information in his possession.

This suggestion, however, involving as it does the confidential relationship between doctor and patient, is open to serious objections.

It is proposed to consider the position of the medical practitioner in relation to criminal abortion more fully in a subsequent section.

Finally, it is evident that the general public as represented by some members of juries do not regard this crime with the same seriousness as does the law.

A heavy responsibility rests on the public in allowing the present position to continue.

The Committee cannot but take a serious view of the repeatedly demonstrated difficulties in securing convictions, even in the face of apparently conclusive evidence, of persons charged with inducing abortion, and consider that the time has arrived when careful consideration should be given to the condition of the law relating to such crimes and to what steps are necessary to discourage effectively their practice. With that object in view the Committee respectfully and earnestly directs the attention of the Government to the position that has arisen, and the serious social, physical, and moral consequences which are likely to follow if effective steps are not taken to enforce the clear intention of the law.

*The Position of the Medical Practitioner in Relation to Criminal Abortion.*—The duties and responsibilities of medical practitioners in connection with cases in which the performance of an illegal operation is suspected or known to have occurred are of great public importance.

Two main questions arise—(1) The duty of a doctor before the death of a patient or in a case where a fatal result is not expected, and (2) his duty in a case where the patient has died.

Concerning the first issue there are very conflicting opinions.

As already pointed out, it has been urged by the Police Department that in every case where a patient is admitted to a hospital and is suspected to be suffering from the effects of induced abortion or attempted abortion it should be the duty of the Medical Superintendent or Senior Medical Officer of the hospital to notify the police forthwith, and supply all information in his possession which would assist in establishing the identity of the offender and bringing him to justice.

The widely accepted view of the medical profession, supported by high legal authority, is that the bond of professional secrecy as between doctor and patient is so important that it would be entirely wrong for a doctor, without the patient's consent, to give information to the police before her death.