

This section re-enacts s. 201 of the Criminal Code Act, 1893. *Cf.* s. 223, *infra*.
 “Other means” must be read *eiusdem generis* with “instrument.” (*R. v. Skellon* [1913] 33 N.Z.L.R. 102.)

“*Procuring her own Miscarriage.*”

“222. Every woman or girl is liable to seven years’ imprisonment with hard labour who, whether with child or not, unlawfully administers to herself, or permits to be administered to her, any poison or other noxious thing, or unlawfully uses on herself, or permits to be used on her, any instrument or other means whatsoever with intent to procure miscarriage.”

This section re-enacts s. 202 of the Criminal Code Act, 1893.

“*Supplying the Means of Procuring Abortion.*”

“223. (1) Every one is liable to three years’ imprisonment with hard labour who unlawfully supplies or procures any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman or girl, whether with child or not.

“(2) Every one who commits this offence after a previous conviction for a like offence is liable to imprisonment with hard labour for life.”

This section re-enacts s. 203 of the Criminal Code Act, 1893. In *R. v. Thompson* [1911] 30 N.Z.L.R. 690, a person was convicted of an attempt (s. 93, p. 209, *ante*) to procure a noxious thing although the thing actually procured was innocuous.

“Knowing” has the meaning of “believing,” and a person supplying “a noxious thing” is guilty even when the person supplied, who states that he required it for procuring abortion, had no intention of using it and did not use it for that purpose. (*R. v. Nosworthy* [1907] 26 N.Z.L.R. 536.)

If the evidence shows that prisoner intended the instrument to be used for the purpose stated, it is sufficient without evidence of intention on the part of the woman to use it or allow it to be used (*R. v. Scully* [1903] 23 N.Z.L.R. 380).

The word “thing” where secondly used in this section includes only things *eiusdem generis* with instrument and capable of being used to produce miscarriage (*R. v. Austin* [1905] 24 N.Z.L.R. 893).

Therapeutic Abortion.—In New Zealand, as in Great Britain and other countries, the medical profession has always held that when the mother’s life is seriously endangered by a continuation of the pregnancy the termination of the pregnancy is justifiable and right.

This the law allows, not specifically but by inference.

It is probably a correct statement of the position to say that, with advances in medical knowledge and thought, even the most conservative medical opinion, apart from that which is influenced by certain religious views, holds that the indications for the termination of pregnancy have been extended somewhat to include not only cases in which the mother’s life is immediately jeopardized, but also certain cases in which her life is more remotely endangered.

This view is supported by the social thought of to-day.

This is not to say that the occasions for this operation are frequent; they are, indeed, infrequent.

The general standards which guide the medical profession in this matter are very strict, and are conscientiously conformed to by the majority of its members.

It is also a well-recognized rule of the profession that such operations should only be performed after consultation between two medical practitioners.

With this change in medical outlook, however, there has been no corresponding alteration in the law, which, as it stands, is as uncompromising as ever, and allows of no interference except to save the *life* of the mother.

It is a fact that the law is *interpreted* liberally, and no doctor who has acted honestly in the belief that the mother’s health was seriously endangered has ever been challenged.

Nevertheless, it has been urged by a large body of the medical profession, especially of those most intimately affected by the question, that there are possible