

S. Garfielde, Compiler; Snyder. F. A., Compiler. Compiled Laws of the State of California: Containing All the Acts of Legislature of a Public and General Nature. Now in Force, Passed at the Sessions of 1850-51-52-53 (1853).

COMPILED LAWS OF CALIFORNIA.

CHAPTER CXXV.

AN ACT concerning Crimes and Punishments. [Passed April 16, 1850.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Administering
poison with
intent to kill.

'With intent
to produce
abortion.

Physicians
affected. not

SEC. 45. Every person who shall wilfully and maliciously administer or cause to be administered to or taken by any person, any poison or other noxious or destructive substance or liquid, with the intention to cause the death of such person, and being thereof duly convicted, shall be punished by imprisonment in the state prison for a term not less than ten years, and which may extend to life. And every person who shall administer or cause to be administered or taken, any medicinal substances, or shall use or cause to be used any instruments whatever, with the intention to procure the miscarriage of any woman then being with child, and shall be thereof duly convicted, shall be punished by imprisonment in the state prison for a term not less than two years, nor more than five years: Provided, that no physician shall be affected by the last clause of this section, who, in the discharge of his professional duties, deems it necessary to produce the miscarriage of any woman in order to save her life.

Curtis Hillyer, Editor. Penal Code of the State of California with Amendments up to and including Those of the Fifty-First Session of the Legislature, 1935 (1935).

CHAPTER III
Abortions

§ 274. Administering drugs, etc., with intent to produce miscarriage.

§ 275. Submitting to an attempt to produce miscarriage,

§ 274. Administering drugs, etc., with intent to produce miscarriage. Every person who provides, supplies, or administers to any woman, or procures any woman to take any medicine, drug, or substance, or uses or employs any instrument or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same is necessary to preserve her life, is punishable by imprisonment in the state prison not less than two nor more than five years. [Amendment 1935, ch. 528.]

See McK. Dig. Abortion, §§ 1—7; 1 Cal. Jur. 100; 1 R. C. L. 74.

§ 275. Submitting to an attempt to produce miscarriage. Every woman who solicits of any person any medicine, drug, or substance whatever, and takes the same, or who submits to any operation, or to the use of any means whatever, within intent thereby to procure a miscarriage, unless the same is necessary to preserve her life, is punishable by imprisonment in the state prison not less than one nor more than five years. (Enacted 1872.)

See McK. Dig. Abortion, § 8 1 et seq.; 1 Cal. Jur. 100; 1 R. C. L. 71.