

[Trial of Madame Restell \(Ann Lohman\) for Abortion \(1841\)](#) ^[1]

By: Horwitz, Rainey Keywords: [Reproductive rights](#) ^[2] [Abortion](#) ^[3]

In the spring of 1841, abortionist Ann Lohman, called Madame Restell, was convicted for crimes against one of her [abortion](#) ^[4] clients, Maria Purdy. In a deathbed confession, Purdy admitted that she had received an [abortion](#) ^[4] provided by Madame Restell, and she further claimed that the tuberculosis that she was dying from was a result of her [abortion](#) ^[4]. Restell was charged with administering an illegal [abortion](#) ^[4] in New York and her legal battles were heavily documented in the news. Madame Restell's arrest was one of many highly publicized altercations with the law she experienced during her forty years as a professional [abortion](#) ^[4] provider. Her trial was one of the first [abortion](#) ^[4] trials in American history. Although the charges against Restell were later dropped due to many minor legal complications, her trial brought attention to the legal controversies surrounding [abortion](#) ^[4] as well as the high likelihood of legal action and convictions of [abortion](#) ^[4] crimes in New York during the 1800s.

Ann Lohman was a successful business owner in New York City, New York, who operated under the alias Madame Restell. Although she had no formal medical training, she performed many abortions for upper class women in New York who had unwanted pregnancies. Restell also sold various powders and pills meant to act as contraceptives or to terminate pregnancies. She charged relatively expensive prices for her products and services. Restell's [abortion](#) ^[4] business was the subject of controversy throughout the late nineteenth century, as [abortion](#) ^[4] was illegal in the US and more states strictly prosecuted [abortion](#) ^[4] providers. Restell was convicted of numerous crimes during her forty years as a practicing abortionist. One such crime involved Maria Purdy's [abortion](#) ^[4] in 1839.

On Monday 22 March 1841, police magistrate and judge Henry W. Merritt visited the house of twenty-one-year-old Purdy. Purdy, who was dying of tuberculosis, had made a deathbed confession to her husband William Purdy that she had received an [abortion](#) ^[4] from Madame Restell. Purdy further claimed that her tuberculosis was a result of the [abortion](#) ^[4]. Following her confession, Purdy's husband called Merritt to their home to take her statement. Over three hours, Merritt spoke in depth with Purdy, who retold the events leading up to her illness. Purdy attested that in May of 1839, she became pregnant. Purdy did not want another child and on the recommendation of her house servant, Rebecca, Purdy consulted the advertisements placed in the *New York Sun* by abortionist Madame Restell. Purdy visited Restell's office and purchased a small vial of yellow liquid for one dollar. Restell allegedly instructed Purdy to take fifteen drops of the liquid twice a day to terminate the [pregnancy](#) ^[5]. Purdy took one dose of liquid the day of her appointment with Restell and two the following day, but then stopped. Purdy claimed that she was unsure of the medicine and took it for examination to David D. Marvin, a physician who determined that the liquid contained the poisonous oils of tansy and turpentine. The doctor supposedly instructed her to discontinue taking the substance.

Purdy told Merritt that on 19 July 1839 she had revisited Restell's office to obtain an [abortion](#) ^[4] after ceasing taking the liquid. Purdy alleged that Restell promised Purdy that the operation would be without pain or inconvenience, that a woman physician would perform the operation, and that the operation would cost twenty dollars. Purdy, who could not provide the money, offered Restell a pawn ticket for various gold jewelry instead of paying the fee. According to Purdy, Restell accepted the payment and led Purdy behind a curtain to a dark room. Purdy alleged that in the room Restell instructed her to lie down on the floor on top of a blanket. A man whose face Purdy could not see allegedly placed his hands on Purdy's abdomen and declared that she was only three months pregnant. According to Purdy's testimony, the man then inserted an instrument into her [cervix](#) ^[6] and she felt a great deal of pain.

Following the procedure, Purdy claimed that the man informed her she may experience some discomfort and would likely become ill from the procedure. In her conversation with Merritt, Purdy stated that she experienced severe pain and almost fainted on the way home. Following the procedure, Purdy had a [miscarriage](#) ^[7] and claimed to Merritt that she had never recovered, developing tuberculosis as a result of the [abortion](#) ^[4].

Following his interview with Purdy, Merritt dispatched police officer Gil Hays to Restell's office on 148 Greenwich Street with a warrant for Restell's arrest for her involvement with an illegal [abortion](#) ^[4]. At the time of her arrest, Restell claimed that a mistake had to have been made and that her name was Ann Lohman, an agent for Madame Restell of Paris. However, Purdy identified Restell as the woman she had seen, disproving Restell's claim. Following her arrest, Restell's trial followed promptly. During Restell's first hearing, Purdy's testimony was read. John A. Morrill and Ambrose L. Jordan were Restell's attorneys.

Newspapers and media outlets in New York published widely on Restell's arrest and Purdy's accusations, where enforcement of [abortion](#) ^[4] laws was becoming stricter. According to historian Clifford Browder, Purdy's statement provided the public with insight on what occurred behind the black curtain in [abortion](#) ^[4] clinics, an industry that was becoming popular with the many wealthy

women with unwanted pregnancies in New York. According to Browder, Purdy's testimony painted Restell as deceitful and selfish for taking advantage of naive and desperate young women. Newspapers and magazines portrayed Restell as a murderer, calling for the end of her business. Restell's trial was followed closely by the media and made headlines in the *New York Tribune*, *The New York Sun*, and the *New York Herald*. Restell defended herself in a statement for the *Herald*, accusing the press of exaggerating her crimes and she pointed out that Purdy was in good enough health to attend late-night parties and balls following her [abortion](#)^[4] and prior to her illness. Restell's trial continued through the spring of 1841 and was publicized during the entire time.

On Wednesday 24 March 1841, Restell was brought before judge Merritt to be charged with aiding and abetting an unknown person in providing Purdy's [abortion](#)^[4]. Restell was accompanied by her two attorneys and when asked her age, place of birth, and place of residence, Restell refused to answer and declared that she was innocent. Merritt set Restell's bail at five thousand dollars and, although several men came forward and offered to pay her bail, they retracted their offers when they learned their names would be published.

Her publicized trial continued when on, 1 April 1841, Restell was brought before judge William Inglis of the Court of the Common Pleas, which was a court for civil issues. Restell's lawyers argued that Restell's bail was excessive for a misdemeanor crime in which the standard maximum punishment was a five hundred dollar fine. District Attorney James Whiting, representing the state of New York, argued that Restell's crime was severe and warranted such punishment, claiming that her practices were vicious. The judge, Inglis, reduced Restell's bail by three thousand dollars, which she did not pay, and sentenced her to remain in prison until her next court date, on 14 July 1841.

On 14 July 1841, Restell was tried in the Court of General Sessions, which eventually became the New York Supreme Court, before judge Frederick Tallmadge in what was, according to Browder, one of the first highly publicized [abortion](#)^[4] trials in American history. At that point, Purdy had died from tuberculosis and her husband was continuing the case on her behalf. Attorneys James Whiting and John LaForge represented Purdy's husband while Jordan and Morrill continued to represent Restell. Restell was tried for maliciously administering noxious medicines to Purdy to procure an [abortion](#)^[4] and causing an instrument to be used inside Purdy's body for the purpose of [abortion](#)^[4]. Restell's attorneys argued that the testimony Purdy gave on her deathbed was invalid because common law procedure required that witnesses appear in court and be confronted by the accused while giving their testimony. Due to her tuberculosis, Purdy had given her evidence from her bed without Restell present. Purdy had died on April 28 1841 and therefore was unable to appear in court. If Purdy's testimony was invalid, then the case against Restell had no evidence.

The judge, Tallmadge, deemed Purdy's testimony invalid, thus leaving the case against Restell with no evidence. Throughout the whole trial process, the judges at each court level had failed to follow proper procedure. Merritt failed to swear in Purdy before hearing her testimony and failed to include the witness's answers to the defendant's cross examination questions in the written testimony. On 12 February 1844, due to those mistakes and the invalidation of Purdy's testimony, the criminal charges against Restell were formally dropped. The termination of Restell's conviction involving Purdy kept her out of prison and allowed her to continue to perform abortions in New York.

Sources

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In the spring of 1841, abortionist Ann Lohman, called Madame Restell, was convicted for crimes against one of her abortion clients, Maria Purdy. In a deathbed confession, Purdy admitted that she had received an abortion provided by Madame Restell, and she further claimed that the tuberculosis that she was dying from was a result of her abortion. Restell was charged with administering an illegal abortion in New York and her legal battles were heavily documented in the news. Madame Restell's arrest was one of many highly publicized altercations with the law she experienced during her forty years as a professional abortion provider. Her trial was one of the first abortion trials in American history. Although the charges against Restell were later dropped due to many minor legal complications, her trial brought attention to the legal controversies surrounding abortion as well as the high likelihood of legal action and convictions of abortion crimes in New York during the 1800s.

Subject

[Restell, Madame, 1812-1878](#)^[10] [Lohman, Ann, 1812-1878](#)^[11] [Lohman, Caroline, 1812-1878](#)^[12] [Madame Restell, 1812-1878](#)^[13] [Lohman, Anna Trow, 1812-1878](#)^[14] [Abortion](#)^[15] [Reproductive rights](#)^[16]

Topic

[Theories](#) ^[17]

Publisher

Arizona State University. School of Life Sciences. Center for Biology and Society. Embryo Project Encyclopedia.

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Format

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Last Modified

Wednesday, July 4, 2018 - 04:40

DC Date Accessioned

Thursday, October 5, 2017 - 21:57

DC Date Available

Thursday, October 5, 2017 - 21:57

DC Date Created

2017-10-05

DC Date Created Standard

Thursday, October 5, 2017 - 07:00

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[1] <https://embryo.asu.edu/pages/trial-madame-restell-ann-lohman-abortion-1841>

[2] <https://embryo.asu.edu/keywords/reproductive-rights>

[3] <https://embryo.asu.edu/keywords/abortion>

[4] <https://embryo.asu.edu/search?text=abortion>

[5] <https://embryo.asu.edu/search?text=pregnancy>

[6] <https://embryo.asu.edu/search?text=cervix>

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[11] <https://embryo.asu.edu/library-congress-subject-headings/lohman-ann-1812-1878>

[12] <https://embryo.asu.edu/library-congress-subject-headings/lohman-caroline-1812-1878>

[13] <https://embryo.asu.edu/library-congress-subject-headings/madame-restell-1812-1878>

[14] <https://embryo.asu.edu/library-congress-subject-headings/lohman-anna-trow-1812-1878>

[15] <https://embryo.asu.edu/library-congress-subject-headings/abortion>

[16] <https://embryo.asu.edu/library-congress-subject-headings/reproductive-rights>

[17] <https://embryo.asu.edu/topics/theories>

[18] <https://embryo.asu.edu/formats/articles>