

ment has already been made from worse to better, and that from each vantage ground gained it would be degrading and impious to retreat."

Mr. Patterson with the same end in view as his predecessor, has, as we have said, struck out a new path, peculiarly his own, and with especial reference to the liberty of the subject, which is in truth the ruling principle of the Anglo-Saxon race. In his preface he says:

"The author has attempted to take the reader over the same grounds [as that traversed by Blackstone] by a route altogether different, and always carrying the lamp of the liberty of the subject into every recess, examining each leading detail by the light it supplies, and trying, if possible, to mark at each turn where tradition ends and reason begins—where freedom broadens slowly down from precedent to precedent."

The two volumes before us contain a general introduction to the subject of Law, discussing the current definitions and divisions under the general title "The liberty of the subject," and exhibiting that division of what he terms the substantive law, entitled the "Security of the Person," in complete detail, showing how the law guards personal freedom, and what have been the leading changes through which it has passed.

It will be seen from what we have said that the author does not, so far as he has gone discuss what Blackstone would call "The Rights of Things," except so far as they are incident to the security of the person and the liberty of the subject. We should think it quite possible that the author has in view hereafter to continue his illustrations of the great division of the law untouched in the two volumes before us. We trust he may. The great merit of the work before us gives promise that a new legal writer has appeared on the scene who will take his place as one of the best that England has produced.

We will now give an example, taken haphazard, of the style adopted by the author. He has been speaking of how far suicide is included in murder. He then continues:

"Perplexity of the ancients as to suicide.—The ancients were not unanimous in the view they took of the lawfulness of suicide. Plato thought it justifiable when one was overwhelmed by calamity or poverty*. Aristotle condemned it as an injury to the state.† The Gymnosophists, on reaching a certain age, or when threatened

with disease, burnt themselves, after inviting their friends to a feast.‡ Cicero asserted the doctrine of Pythagoras, that it was unworthy to abandon one's post and leave life, without the order of Providence, yet praised the suicide of Cato, who resolved to die rather than look on the face of a tyrant.§ Virgil, Cæsar, Ovid, Seneca, Plotinus and Porphyry seemed to think suicide a shrinking from duty. But there was considerable vagueness in the view held. The Stoics generally viewed suicide as one of the ways of displaying their indifference to life and its troubles. The Stoical type of moral excellence, which was that aimed at by the educated classes of Rome, taught that death was not to be feared, and that rewards or punishments in the present or future life were not the true motives of virtue. Whatever views in the abstract may have been held, many distinguished ancients committed suicide.¶ But no writer on this subject has surpassed Marcus Antoninus, who says, "it becomes a man of wisdom neither to be inconsiderate, impetuous, or ostentatiously contemptuous about death, but to await the season of it as of one of the operations of nature."‡

The author then further discusses the subject under the headings: Influence of Christianity on Views of Suicide—Capital Punishment by way of Suicide—Gladiatorial Contests a kind of Suicide; and then proceeds with:

Suicide how far crime at common law.—It seems to have been a doctrine of our common law at an early date, that murder included suicide, and that the latter act was *ipso facto* a felony.** Hence forfeiture of goods and chattels was a legal consequence of the act, and as the suicide was his own executioner, the forfeiture accrued on the act, since conviction was rendered impossible. But though trial was super-

† Q. Curt. b. viii. c. 9. The learned have remarked that there is nothing expressly stated in the law of Moses as to suicide, and that it has not generally been deemed to be included in the prohibitions of the sixth commandment.—*Michælis Com.* § 272. But if the learned have so settled this point, it only shows the absurdity of interpreting divine laws in the way that courts of law would interpret most municipal laws; for the subject matter, the object and effect of the two kinds of laws differ *toto cælo*.—See *ante*, p. 113.

‡ De Senect. c. 20; Tuscul. i.; De Offic. b. i. c. 31.

¶ One Hegesius, mentioned by Cicero, was called the orator of death, from the persuasive manner in which he painted this final relief from care, and many voluntarily rushed to the tomb with enthusiasm.—*Tusc. Quæst.* lib. i.; 2 *Lucky, Hist. Mor.* Cocceius Nerva, a prosperous lawyer is said to have committed suicide owing to the sad state of public affairs in the republic.—*Tac. Ann.* b. vi. c. 29.

¶ M. Anton. b. ix. c. 3. The ancients record with what indifference the Indians of their time ascended a funeral pile and burnt themselves to death, it being, as they represented, an eastern custom. Calanus did so in presence of the whole army of Alexander the Great. And a venerable Brahmin in an embassy from Porus to Augustus did the same thing at Athens.—2 *Maurice, Ind. Ant.* 107. The Siamese, indeed, considered it a laudable act of piety.—3 *Univ. Mod. Hist.* 336. In India, so eager were men to join in drawing the car of Juggernaut, and so confident if they could only pull a rope, they would go to heaven, that in their excitement they fell beneath the wheels, not unwillingly.—*Clarke, Ten Relig.* 134.
—1 *Hale, P. C.* 412.

* Laws, lib. ix.

† Ethics, v.