

The Legal News.

Vol. XIII. OCTOBER 25, 1890. No. 43.

Mr. Justice Miller, of the United States Supreme Court, who died from the effects of paralysis on the 13th instant, is an example of a man finding somewhat late in life the profession for which he was specially fitted. Mr. Miller was born in Richmond, Ky., in 1812. His early years were spent upon a farm. Agriculture had no attractions for him, and he sighed for something higher. His ambition or his opportunities were limited at first to a drug store, in which he obtained employment. He then read medicine, and when twenty-two years of age entered upon the practice of medicine in Knox county. From medicine, after some years, he turned to law, and was admitted to the bar in 1847, when thirty-one years of age. Notwithstanding the disadvantage of entering the profession nine or ten years after the usual time, he speedily showed that in this instance change of avocation was not a mistake. In 1862 he was appointed by President Lincoln associate justice of the Supreme Court. Mr. Justice Harlan, one of his colleagues, said of him:—"He had a very bold, aggressive mind, which was shown in his treatment of questions outside of the law. I do not remember any instance since I have been with him upon the bench when he hesitated in the slightest degree to follow out to their legitimate results any conclusions which he ever reached on a question of law. He was not as learned in the books as some judges, but he had a natural aptitude for law. He saw very readily and promptly the real issues of a case and determined them in his own mind without much hesitation. I think that is true in the main, though at times there were questions also on which he expressed doubt. But when, upon reflection, he reached a conclusion that satisfied his own mind, he was prepared to announce it, and stand by it whatever might be the consequences. . . . It is safe to say that no judge in the country has ever delivered a larger number of opinions in cases

involving great constitutional questions. It is also safe to say that, with the exception of Chief Justice Marshall, no American judge has made a deeper impression upon the jurisprudence of this country than he has."

"*Essentials of Forensic Medicine, Toxicology and Hygiene*," by C. E. Armand Semple, M.D., of London, is a work recently published by W. B. Saunders, Philadelphia, forming one of the series known as Saunders' Question Compendis. Within the space of 196 pages, this treatise gives a clear synopsis of accurate information on a good many subjects useful to the lawyer, especially to one who has cases before criminal courts. There are many things which specially pertain to the medical profession, with which the lawyer must also be conversant in order to conduct the examination of medical witnesses, and to prevent imposition. Thus, the other day, in the *Ansell* case at Quebec, a physician testified to his suspicion that the prosecutrix was feigning epilepsy. We find that feigned epilepsy is one of the subjects noticed in this work. Among the matters treated are personal identity, age, rape, pregnancy, delivery, criminal abortion, infanticide, evidences of live birth, unsoundness of mind, examination of dead bodies, evidence of poisoning and methods of extraction of poison from the dead body, death by hanging, wounds, etc. The portion devoted to hygiene treats of the purity of air and water, and of milk and other foods. The work, which is copiously illustrated, may safely be commended to the reader who has not the time or inclination to master more elaborate treatises.

Mr. Justice Mathew, of the English bench, has recorded his opinion in favour of allowing prisoners to give evidence on their own behalf. In opening Bodmin Assizes, he said there was one change in the law that was clearly demanded by public opinion, and which would, doubtless, be legislated on before long. This was a change that would enable a prisoner to give evidence, if he desired, on his own behalf. It was a singular thing they had been dealing with questions of life and death for centuries without acting