

his readiness to raise every point which the ingenuity of an equity lawyer could hit upon. While he was being led this power frequently proved valuable, but when he became a Q.C. it caused his addresses to be too voluminous. His decisions were seldom reversed on appeal. A member of the Standing Committee for Framing the Rules of the County Court, Arthur Shelley Eddis was highly respected by his colleagues, many of whom have gracefully expressed the sorrow with which they received the intelligence of his sudden death."

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HOMICIDE BY NECESSITY.—By the judgment of the Supreme Court of Alabama in the case of *Arp v. The State*—of which we publish an abridged report elsewhere—the curious defence of "homicide by necessity," already banished from England by the decision of the Court of Queen's Bench in the memorable prosecution of Dudley and Stephens for the murder of the boy Parker on the high seas under pressure of starvation, is now outlawed also in one of the leading American States. It may be hoped that this decision will be followed in the other States, where, as in Ohio, some uncertainty on the point still seems to linger. There is, of course, a form of homicide by necessity which every civilized system of jurisprudence ought to recognize—the right of every man to repel by violence, carried, if need be, up to the point of killing, any illegal violence practised upon himself. But neither in the common law nor in the principles on which the common law is founded will any sanction be discovered for the doctrine that any man may excuse himself under the plea of necessity or compulsion for taking an innocent life. We speak the more strongly on this subject because it is unfortunately at the door of England and of one of England's greatest lawyers that the responsibility for the theory which the Supreme Court of Alabama has just brushed aside must lie. "If divers," wrote Lord Bacon in his commentary on the maxim, *Necessitas inducit privilegium quoad jura privata*, "be in danger of drowning oy the casting away of some boat or barge and one of them get to some plank or on the boat's side to keep himself above water, and another, to save his own life, thrust him from it, whereby he is drowned, this is neither self-defence nor misaaventure, but justifi-