

The offence of unlawfully disinterring bodies is subject to the mild sentence of two years' imprisonment. This crime has been rare in Great Britain since the days of Burke, and less attention has been drawn to its enormity than, unfortunately, is the case here.

Common nuisances are broadly defined. Making any loud noise or offensive smell, in such manner as to annoy any considerable number of persons, is a nuisance, and the necessities of trade are no defence. The tendency to extend the law of nuisances, shown by the courts, receives the sanction of the code. A county judge in England lately held, indeed, that an organ kept and played in a chamber, which caused such a noise in a room near by that its occupant could not pursue his literary work, was "intolerable, but not actionable." But the decision was much questioned, and few things intolerable can safely rely on being not actionable. The Philadelphia church bells would be under the ban of the prohibition thus broadly laid down in this statute.

The provisions as to the negligent causing of death suggest some questions that have lately been discussed. After a strict provision for the punishment of those who cause death or injury by the failure to perform any duty imposed by law or assumed by contract, unless the neglect is held not culpable by a jury, it enacts that no one commits an offence by causing death, even intentionally, by omitting anything which it is not his legal duty to do. The principle is stated in Sir James's Digest in so trenchant a form as to seem questionable. "A. sees B. drowning, and is able to save him by holding out his hand. A. abstains from doing so, in order that B. may be drowned; and B. is drowned. A. has committed no offence."

The requirement that death must ensue in a year and a day to constitute murder is abolished, and also the unjust rule that any killing, however accidental and unintentional, if it occurs in the commission of a felony, is murder. It is murder in England if a man shoot at a barn yard fowl with intent to steal it, and by the merest accident some person is killed. But if he was shooting to show his marksmanship, or was shooting at a pheasant, then it is not murder. Such anomalies will be rare, if this code takes effect. The degrees of murder and

manslaughter which perplex many American courts and juries are not recognized by the code. Murder is unlawful homicide with an intention to cause death or grievous harm to any person, or with knowledge that some act or omission will probably cause death or grievous harm, though accompanied with indifference as to the result. Manslaughter is unlawful homicide not amounting to murder; and homicide is unlawful when the death is caused by an act done with intent to cause death or grievous harm, or known to be likely to produce such a result, or from culpable omission to perform a legal duty, or in any unlawful act. As an instance of brevity in legislation, five sections of existing statutes, forbidding specifically seven ways of attempting murder, and generally all other attempts, are condensed into one line of the code: "Every one shall be guilty of an indictable offence who attempts to commit murder."

These brief sections, like most simple definitions, seem to contain a more satisfactory rule than the many labored and confused provisions as to these crimes which encumber most American statute-books. A wide range of punishments in manslaughter, depending on the various circumstances of the case, is secured by the broad discretion vested in the judge trying the case.

The offence of bigamy is committed, although by the fraud of either party the form used would not constitute a valid marriage. A similar rule is laid down in 25th N. Y. Reports, where the witty reporter thus heads the case: "It seems that a married man intending to effect seduction may blunder into bigamy."

Among the most valuable changes made by this statute are those in reference to theft and its kindred crimes. The refinements that especially flourish as to these crimes are summarily disposed of. Very lately, a game-keeper in England, who had killed and was selling eighteen of his employer's rabbits, was decided by the Court of Criminal Appeal to be an innocent man; because wild rabbits could not be a subject of larceny, and as they were not received by the keeper as his master's property, but were taken with the original intent of stealing, the offence could not be embezzlement. So the prisoner, having avoided the Scylla of larceny, and weathered the Charybdis