

## The Legal News.

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Mr. Justice Stephen tried a case at Worcester, May 25, which raised an interesting question of criminal law. The prisoner, Mary Taylor, performed several operations upon one Alice Lightbund, a domestic servant who was *enceinte* and anxious "to get herself out of her trouble." The consequence was that a child was prematurely born, and died sixteen hours after birth. The prisoner was indicted for murder, and the jury, under the direction of the judge, found a verdict of manslaughter. The medical evidence proved clearly that death was due to feebleness in consequence of the premature delivery induced by the operations of the prisoner. The prosecution relied upon a case of *Regina v. West*, 2 Car. & K. 784, in which Mr. Justice Maule, under very similar circumstances, ruled that the crime amounted to murder. In the present case, the prisoner's counsel, Mr. Amphlett, asked Mr. Justice Stephen to reserve a case, on the ground that there was no evidence upon which the prisoner could be convicted of manslaughter. Mr. Amphlett said that neither he nor his learned friends knew of any authority which would support the ruling of the learned judge, that a person causing death in the act of committing, or intending to commit, a felony, was guilty of manslaughter and not murder. He submitted that the offence was either murder or nothing. The learned judge reserved his decision as to whether he should grant a case or not.

The Supreme Court of Kansas has given an opinion on the question as to when a legislative act signed by the Governor passes beyond his control and becomes a law. The Legislature of that State had passed a prohibition act. It was duly sent to the Governor, who signed it and deposited it with the Secretary of State. Some time after doing this the Governor sent a message to

the Legislature saying that he had signed the bill, but made objections to several of its provisions. This circumstance gave rise to the question whether the bill had become a law. The Supreme Court decides in the affirmative. The Court says:—

"It is not claimed that the Governor signed the bill through mistake, inadvertence or fraud. On the other hand, the facts clearly show that he approved and signed the bill voluntarily and that he deposited it with the Secretary of State as a law of the State. After the bill, therefore, had been approved and signed by him and he had deposited the same with the Secretary it passed beyond his control. Its status then had become fixed and unalterable so far as he is concerned. His subsequent message was no part of his approval or signature, and whether his objections to the bill and his construction thereof after he had approved and deposited the same with the Secretary of State were good or bad is wholly immaterial. The act was regularly passed by the Legislature, was approved and signed by the Governor, was deposited with the Secretary of State, and therefore has received all the constitutional sanctions required to give it effect."

The Supreme Court of Pennsylvania the other day, was asked to decide as to the disposition of a reward of \$500 offered by the city of Philadelphia for information leading to the recovery of a stolen child of one J. L. Claxton. It appeared from the evidence that the information of two persons combined led to the recovery of the child. One of them knew where the child was, but did not inform the police. The other told the police that the former knew something, and the police then obtained the information from her. The Court held that it was a case for an equitable distribution between the two claimants.

Mr. James Stirling, who has been appointed a judge of the High Court of Justice in the place of the late Sir John Pearson, was born in 1836, and educated at Trinity College, Cambridge, where he took his degree of M.A. in 1863. From 1865 to 1876 he was a reporter at the Rolls. Mr. Justice Stirling was Senior Wrangler at Cambridge. The previous instances of Senior Wranglers on the Bench are given by the *Law Journal* as follows:—Sir John Wilson, a judge of the Common Pleas (1786-1793), who was Senior Wrangler in 1761; Sir Joseph Littledale, a judge of the