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THE Criminal Law Amendment Act of 1898 that has gone into effect during the month is the most important change that has been made for fifty years in the criminal law of England. It gives to defendants in criminal cases the right which they never before enjoyed in that country, that of testifying in their own behalf. Hitherto, except in rare offences, they have not been admissible witnesses. This effects a change in the whole administration of the criminal law similar to that made in civil cases in 1853, when the energy of Lord Brougham procured, in spite of the opposition of many great lawyers of that day, a similar concession for parties to a civil suit. The change thus made in the criminal law is, no doubt, a great one, but it has long been evident that it must come, since it was the logical and necessary consequence of allowing the parties in a civil suit to give evidence in their own behalf. Nevertheless, this important alteration in the law has only been effected with great caution and by slow degrees, after the success of experimental legislation in the same direction had shown how needful and successful it was. Two principal arguments are used against the new act by those opposed to it. They say: (1) That perjury will be fearfully increased by it; and (2) that it will frequently lead to the conviction of innocent accused persons who are nervous or clumsy in telling their stories. To these arguments it is answered that the experience gained in civil cases shows that the argument as to perjury is found in practice not to be so serious that the fear

of it ought to be allowed to silence all persons interested in the result of a case. To the second argument it is answered that, since nothing human is perfect, mistakes will certainly be possible under any system, but that, as a rule, judges and jurors are able readily to distinguish between a false tale, deliberately told, and the true story nervously told by an innocent man. Such are the main provisions of the important act which brings the English criminal law of evidence into symmetry with the law that prevails in English courts of civil procedure. There can be no doubt that the change will prove to be in furtherance of justice, for so it has proved in this country and everywhere else where it has been adopted.

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THE verdict of the coroner's jury, in England, on the cause of the death of Mr. Harold Frederic, as reported in the New York *Times*, is satisfactory as far as it goes, but it does not appear to go entirely to the merits of the case.

The ground of the finding of manslaughter against the Christian Scientist was that "as guardian," she neglected her duty "in refraining from calling in medical aid." This, as it seems to us, is rather a verdict against the guardian than against the Christian Scientist, for had there been a parent or other near relative present during the illness, with sufficient authority to summon, against the patient's will, a regular medical man, the verdict of manslaughter should logically attach to such person. And it is only because the guardian, in this case, happened to be the 'healer' herself, that, by the terms of the finding, she is held criminally responsible for the death, it having been further found that Mr. Frederic was insane at times, and unable to take care of himself.

The indignation aroused on both sides of the Atlantic by the circumstances of Mr. Frederic's death has given rise to a local demand for protection to the credulous and weak against the practice of the Christian Scientists.

But in this country the question is not without its difficulties. It has been held, quite recently, in Rhode Island that a member of this sect cannot be indicted under a statute forbidding unlicensed persons to 'practice medicine.' The court held that to apply this prohibition to Christian Scientists who use no other means than prayer and repudiate all medical procedure, would be to put a construction on the statute that could not be sustained. (*State* v. *Mylod*, 40 Atl. Rep. 753.) The question is further complicated by the quasi-religious character given by these 'healers'

to their ministrations. This view is vigorously rebutted by the Supreme Court of Nebraska in an opinion which shows, by examples taken from Holy Scripture, that to receive a money payment for an 'act of worship' deprives the act of all Divine Sanction. (*State* v. *Buswell*, 40 Neb. 158.) In a Maine case (*Wheeler* v. *Sawyer*, 15 Atl. Rep.), a Christian Scientist brought suit to recover payment for his services to defendant's intestate, and the defense set up that the science was a delusion and its professors charlatans. The court held that this was immaterial, the defendant's intestate having chosen that treatment, and promised to pay for it. There was nothing immoral or unlawful in such a contract, and its wisdom or folly is for the parties, not for the court, to determine.

These instances are sufficient to indicate the difficulties that lie in the way of protecting the public against these imposters, and they are not easy to overcome. In Nebraska, the statute prohibiting the practice of medicine by unlicensed persons (Laws 1891, chap. 35) provides (sec. 17) that "Any person shall "be regarded as practicing medicine within the meaning of this "act who shall operate on, profess to heal, prescribe for, or "otherwise treat any physical or mental ailment of another." The Supreme Court, in the case cited above (*State* v. *Buswell*, supra), held that, under this section, an indictment would lie against a Christian Scientist, stating that "the statute does not "merely give a new definition to language having already a "given and fixed meaning. It rather created a new class of "offences, in clear and unambiguous language, which should "be interpreted and enforced according to its terms."

We believe that in New York and Massachusetts there have been attempts to include Christian Scientists in laws prohibiting the unlicensed practice of medicine, but the attempts have failed, because it was thought that they would result in a curtailment of personal liberty.

In this country there is full protection against the attacks of outside foes, but there still remains the perhaps harder task of providing the people with protection against themselves.

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At a meeting of the Faculty of Yale Law School, held November 21, 1898, the following resolutions were unanimously adopted:

Resolved, That in view of the resignation of the President of the University and of this Faculty, we desire to express our cordial appreciation of the warm and unfailing interest which he has taken in the support and advancement of the Law Department.

Resolved, That his wise counsel and ready sympathy with all efforts to promote the best methods of sound legal education have materially contributed to whatever success in that direction has been achieved at Yale in recent years; that as the first President under whom the University idea has approached full development, he has led the way toward that closer union between the different departments which the natural growth of the institution is rapidly accomplishing.