

would none of them in civil matters, and in 1774 the former Canadian law was restored to him. But it did not suit the English-speaking of the upper country, and in 1791 each part of Canada was allowed to choose its own law, the old province of Quebec being divided into two, Upper Canada and Lower Canada. The Upper promptly chose the English law, the Lower by the French; in criminal matters both were content with the English; and even the civil law in the Lower has become largely impregnated with the English law. In this chapter the influence of the Corpus Juris is fully discussed, and the curious jumble of lore, medical, legal, philosophical, grammatical, rhetorical, what not?, which was the ideal of educationalists, is somewhat humorously referred to.

The chapter Roman Law in England is the most interesting to the English-speaking lawyer. While Henry III in 1234 forbade the teaching of the Civil Law in London and the Parliament of Merton said: "Nolumus leges Angliae mutare," the teaching of the Roman Law never ceased in the ancient Universities—where it has it today. Bracton is saturated with the Civil Law, seemingly taking it from Azo. It is not without interest to see what Bracton considered "vestments to the law" i. e., what we call consideration for contracts—the author irreverently calls them "doggerel elegiac lines," but they are not so bad, *me judice*, if one arranges them—as the author does not—into hexameter and pentameter. Here they are:

"Re, verbis, scripto, consensu, traditione,
Junctura, vestes sumere pacta solent."

The effect of the Civil Law through the courts of equity are well known to all students; and they are not dwelt upon.

The fifth chapter, Roman Law in Germany, will probably be found the least interesting to us, though of great importance in other places. No one who wishes to follow the course of this "ghost" can afford to leave this volume unread.

WILLIAM RENWICK RIDDELL.

Sterilization for Human Betterment. By E. S. Censley and Paul Popenoe. New York: The Macmillan Company. 1929, pp. 202.—The alarming number of the mentally deficient (conservatively estimated at nearly five millions in the United States), coupled with the scientific certainty of the hereditary character of the defect, is one of the main causes for the experiment of sterilization. The punishment of crime by sterilization has generally been considered to come within the prohibition of "cruel and unusual punishments"; but the Supreme Court has held in *Buck v. Bell* that it is permissible as a protective or police measure,—the sterilization against her will of the feeble-minded daughter of a feeble-minded mother, and mother of a feeble-minded child, being held legal, Mr. Justice Holmes putting it tersely; "Three generations of imbeciles are enough"; "The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes." *Buck v. Bell* (1926) 274 U. S. p. 207; the case below is reported in (1925) 30 S. E. 516, Sup. Ct. of Appeal of Virginia.

The preservation of the physical, as distinguished from the mental, well-being of the people, does not seem to have had any influence in bringing about sterilization; the drastic measure of Queen Semiramis of Assyria, who is said to have had weak and sickly males of her kingdom castrated so that the racial stock might not deteriorate, or the practice in classical times

of exposing imperfect infants, cannot now be tolerated. But the appalling prevalence of imbecility and the consequent drain upon the resources of the people have impelled many to consider sterilization of the imbecile as called for, bearing in mind the known strength of sexual passion and the inability to resist it of these unfortunates. As this is being written, there comes the news that a very eminent English judge has urged the advisability of sterilizing the unfit, while some of us have been compelled to direct the life imprisonment of such to prevent great evils.

The experiment has had its most illuminating trial in California; and this work contains an account of the results. The operation is no more painful or dangerous than the extraction of a tooth, consisting in the simple section of a tube which conveys the semen or ovum, the *vas deferens* in the male and the Fallopian tube in the female,—Vasectomy and Salpingectomy in the technical terminology.

In addition to those compulsorily sterilized no small number of normal persons seek the operation for various reasons.

The effects of the operation do not seem to be hurtful to health, the delinquency of the feeble-minded is diminished, and in many cases the general health is improved and no diminution of sexual activity or enjoyment is found by those voluntarily sterilized; even those compulsorily sterilized in most cases are either well-pleased or not dissatisfied; no injury to the mind has ever appeared.

This work is very exhaustive and instructive upon this pressing problem, and other jurisdictions may well profit by the example of California.

WILLIAM RENWICK RIDDELL.

The Trial of Norman Thorne. By Helena Norman. London: Geoffrey Bles. 1929. Pp. 367.—This is the tenth of the Famous Trials Series, which has been truly described as fascinating; and it is not inferior in fascination to its predecessors. It is the account of the trial of a young chicken-farmer at the Sussex Winter Assizes at Lewis, in March, 1925. The story is somewhat curious—the unfortunate woman was poor and desperate; she had been promised marriage by the prisoner, and dressing herself in her poor best, she left her parents' home for that of her lover; and within twenty-four hours her head was found severed from her shoulders and buried in an old tin in one of the chicken runs on her lover's farm, her dismembered torso being interred beside it. The young man admitted that she had come to his hut; but said that after they had had tea harmoniously together, he went out to secure her sleeping accommodation at a neighbor's; that, failing in this by reason of the absence of the neighbor, he returned and found her hanging by the neck from the single crossbeam in his hut, her feet just touching the floor. Being afraid that he might be accused of her murder, he cut her down, laid her on the bed, ruminated awhile, and then proceeded to disrobe her body, burn her apparel in his stove, decapitate her and cut off her legs. He then hid her head in the box and the rest of the body in sacks and buried all in the nearest chicken run—then went on as though nothing had happened. When it is added that he had seduced the girl, and was trying to break off the engagement, enough appears to justify the strong suspicion that he had murdered her.

A complete record of the proceedings is given, and it is clear that the whole trial was carried on on a high plane. The jury was sworn, the case opened and