

T. tonsurans.—In a family named White five members were successively attacked, four with *T. circinata*, and one with *T. tonsurans*, and shortly after the nurse of the younger children contracted *T. circinata* on the left forearm, in a spot where the child's head, affected with tinea, used to rest.

I need scarcely observe that the separate enumeration of the varieties of tinea is not meant to imply a belief in the non-identity of their fungi; and the very interesting case recorded by Dr. Purser, in which tinea circinata in the human being was caused by transmission from *favus* on a cat, tends to confirm the opinion as to the unity of the fungi concerned in all the vegetable parasitic diseases.

A curious lotion was used by the mother of a child suffering from ring-worm of the scalp, viz., a mixture of urine and sulphur.

T. versicolor.—Failed in an attempt at inoculation. When but slightly developed it is probably frequently overlooked, and is often discovered accidentally on examining a patient for some other purpose. Corrosive sublimate lotion (grs. i.—ii. to ʒi.) cures it rapidly.

ART. XV.—*Essay on Personal Identity, and its Proof from Physical Signs.* By ROBERT TRAVERS, A.M., M.B., of Trinity College, Dublin; Fellow of the King and Queen's College of Physicians; College Professor of Medical Jurisprudence in the School of Physic, University of Dublin; Lecturer on Forensic Medicine and Hygiene in the Ledwich School of Surgery, Peter-street, Dublin.

QUESTIONS of doubtful or disputed personal identity have so often arisen, in various forms, before the judicial tribunals of many, if not all, civilized nations, and have been so difficult of solution, that they become subjects of great interest to the investigation of the student. They have not been disregarded by authors—Fodere and Orfila in France, Beck in the United States of North America, and the late Dr. W. F. Montgomery in this city, having each contributed to our knowledge of personal identification, by writings which may justly be regarded as our classical authorities in this part of legal medicine. It would be vainly presumptuous to aim at rivalling them, and therefore what is proposed in the present pages is, after a rapid view of the subject, to adduce some particulars of what may be termed “leading cases,” exemplifying the difficulty necessarily incidental to such inquiries, and which may

urge the reader to seek further and more satisfactory information from the excellent authors that have been just now enumerated.

The subject in its entire extent may be referred to these two questions—

1. What is personal identity?
2. By what evidences is personal identity to be either ascertained or disproved?

Those who have not as yet considered the matter, will perhaps think that these questions might easily be answered; but if they reflect, and with the requisite attention endeavour to reply, they will be convinced that the task is indeed one of very great, if not insuperable difficulty.

I. *Personal Identity*.—This, in the medico-legal sense which is here to be considered, is entirely divested of its relations to theology, and to metaphysical or psychological philosophy. This restriction is necessary in determining the value and application of the term, the identity of a living, organized body, at different points of time, being something very different from the persistence or the coincidence of a geometric quantity or figure. The figure may be literally and exactly the same unaltered object; but the living body is the seat of continual changes; processes of absorption, assimilation, reparation of waste, metamorphosis of tissues, rejection of effete matter, are continually in progress, and are essential to its mundane existence, so that, to some extent, its identity at successive and distant points of time may be compared to that of the Panathenaic ship, to which, in the course of ages, from frequent repair of decayed portions and the substitution of new, there remained little, if anything, of the original material. Hence, when the personal identity of man is mentioned, the sameness is meant that is compatible with this life and the conditions to which vitality is subject. A continued consciousness has been proposed as necessary to personal identity; but would it be said that the identity was lost if the memory had become altogether extinct, and the continued consciousness no longer existed? Considerable portions of the body may be destroyed by disease or accident, yet the identity remains—that is, in the sense in which the word is here used, and it is not affected by the amputation or avulsion of a limb, or of all the limbs, so long as the consciousness endures. The horse-tail argument might be here used, and only this result be obtained, that personal identity may be predicated of consciousness united with life in any demembered or mutilated human body.

The continuance of consciousness was attributed by the older writers of fiction to those whom they fabled to have undergone change of form. Thus Ovid, Lucian, and Apuleius represent their metamorphosed subjects as retaining, in their new forms, the memories and consciousness of their former state. The Pythagorean belief in the transmigration of souls into various bodies, not only human, but of the lower animals, has been made to support a claim to a consciousness continued from previous states of existence; and among the delusions of the present time it is memorable that some persons have been found who asserted their own consciousness of a state of pre-existence. One at least of those who, in our days, has so far imitated Pythagoras, published several letters on the subject in the well-known literary periodical, *Notes and Queries*, wherein the curious may readily refer to them. This imagining of a continuing consciousness of a former bodily existence, if it has not its original, has at least its best-known author in the philosopher Pythagoras, of whom it is asserted that he had a consciousness not only of a previous existence as that Euphorbus who was slain by Menelaus in the Trojan war, but also of the various bodies with which he had been successively identified in the interval between the siege of Troy and his birth as the son of Mnesarchus. It is probable that he learned this doctrine of the metempsychosis from the Egyptians, and that its original is concealed in ages long preceding the time of Pythagoras himself.

The belief in a metempsychosis is still very extensively diffused through heathen nations, and is closely connected with, if it have not given origin to many strange opinions respecting the human soul, and a capacity attributed to it of becoming separate from the body and entering at will into some other. Hence the story of the King of Tarentum, which Morisot, or whoever else was author of the Fifth Part, added to the Euphormio (more than two centuries back), and which, with a few alterations, was adopted in the present century by Caunter, in the *Oriental Annual*, without any acknowledgment of obligation to a preceding author, or a common original to which both might have been indebted. Fantastic, or at least unproved, as this opinion is of the soul becoming separate from the yet living body, it has not long since been adduced by a criminal as a defence equal to that of mistaken identity, or an *alibi*. George W. Winnemore, who, having been convicted of murder, was hanged at Philadelphia, U. S., North America, 29th August, 1867, had associated with people called spiritualists and clairvoyants, and

affirmed that, under their influence, his spirit, separated from his body, used to be sent on errands many miles distant, and that meanwhile some other spirit was sent into his body, which was thus made the instrument of a murder, at which he was himself surprised, when returning to resume his own corporeal habit, he found the instrument of murder in his hand, and lying near him the victim who had been murdered, while, as he alleged, his spirit was employed at a place sixty miles distant, to which it had gone and had returned within one hour. This spiritualist story, which, if true, would have established a mistaken identity in favour of the accused, was not even admitted as supplying proof of an extenuating circumstance.

The *Vampyre* of Eastern Europe, a human corpse temporarily animated by an evil spirit, is probably another offspring of the Pythagorean metempsychosis, and would be inconsistent with personal identity.

The mediæval *Lycanthrope*, which is not yet wholly extinct, if travellers' tales are to be credited, was either referrible to insane delusion in its subject, or to the popular opinion that had somehow originated in the Pythagorean transmigration of spirits.

As the identity of person is not destroyed by the loss of considerable portions of the body, all the limbs, and even more being removed, and yet neither life nor consciousness being extinguished, so also it is admitted to remain notwithstanding the most complete insane delusion. In some cases it is even probable that a double consciousness may exist—a true and a delusive, not successive or alternating, but contemporaneously existent, like parallels rather than productions of the same line. In such cases are there two identities, explicable by the duality of organs within the skull?

II. *Evidences of Personal Identity.*—These might conveniently be classified into—(1) Those observable only in the living; (2) Those observable, though in very different degree, in both the living and the dead; (3) Those which are only detectible in anatomical examination of the dead. To one or other of these divisions may be referred what are here subjoined.

(a) The face in its features and expression furnishes the most obvious means for recognition or identification of the person. And so the robber who was inextricably ensnared in the treasure-house of Rhampsinitus (ap. Herod. *Euterpe*, 121) judiciously frustrated identification, when he caused his head to be cut off and carried away by his comrade in the adventure.

A protracted absence from view, together with the changes which advancing years and perhaps other concurring causes have wrought in the frame, may be sufficient to impede or prevent recognition even by those to whom the subject had formerly been well known. After an absence of about fifteen years Joseph was not recognized by his brethren (*Genesis*, xlii. 8), although he was able to recognize them (*ib.*). Ulysses returning home in the twentieth year of his absence is represented as having much difficulty in making himself known to his father, to his wife, and to his dependents (*Odys.*, xix., xxiii., xxiv.). The identity of the Portuguese king, Sebastian, claiming recognition twenty years after he was believed to have been slain in battle was not satisfactorily established, nor was it sufficiently disproved. It remains a subject for historical controversy. That of the Bolognese noble, Andrea de la Casa, returning home after a still longer period of absence was only with difficulty admitted, the features having been so altered by years, exposure to various atmospheric conditions during foreign travel, and protracted hardships of many sorts, that recognition, based on the countenance, was no longer possible. But other physical characters were available "*plura evidentiissima signa*," and were determined to be sufficient when this difficult and obscure case was investigated by the justly celebrated Paul Zacchias, chief physician of the Sovereign Pontiff, Innocent the Tenth.

The value of the countenance as a character of personal identity is somewhat impaired by the close facial resemblance which is sometimes seen to exist between two persons, and which, if it be co-existent with a similarity of stature and figure, renders them undistinguishable by sight alone. This similitude has been exhibited by twins, but is not limited to them, having been also observed in persons who were not of kindred with each other. The embarrassment which in real life has been caused by this personal likeness has suggested its employment by the dramatic poet, a circumstance to which we are indebted for the *Menaechmi* of Plautus, and Shakespeare's *Comedy of Errors*.

Similarity of features has been relied on as a proof of blood relationship or agnation, a remarkable instance being the Douglas cause, in which this family likeness was urged on behalf of the claimant, and probably contributed in some measure to the definitive decision pronounced in his favour by the House of Lords of Great Britain in the year 1769. The successful claimant survived

till 1828. The hereditary transmission of a peculiar facial conformation has through many centuries been remarked in the princes of the House of Austria.

The effect of the loss of teeth, whether by injuries, disease, or old age, must be considered in the examination of the face, especially if the living features are to be compared with photographic or other portraits taken long previously. The profile outline is much altered by complete removal of the teeth. Diseases of the jaw bones, such as necrosis, and some of the malignant type, must also be regarded as among the causes capable of altering the look and expression of the face. In the dead body, recognition from the aspect becomes more and more difficult, until it is rendered impracticable by advancing putrefactive changes. Dr. Richardson, of London, in 1863, successfully encountered this difficulty in a corpse already swollen and discoloured, found in the river Thames. Its identification was anxiously sought, and was so far effected by Dr. Richardson's ingenious process of immersion in a chlorinated bath, that it became possible to determine certainly that it was not the body it had been suspected to be. In deaths caused by explosion or burning, the destruction of the soft parts may be such as to prevent identification. Even the skeleton may be disintegrated by fire, as in the horrible catastrophe at Abergele, where many fragments were found that could not be referred to either sex much less to any particular person of those who perished.

(b) The voice may serve to identify the person not seen, or to discriminate when there is similitude of features and figure. Thus the patriarch Isaac in his old age, when no longer able to see, recognized the different voices of his sons, but was yet deceived because he relied on what he thought the more certain testimony, the concurring evidence of two senses, those of touch and smell (*Genesis* xxvii. 21-27).

It must not be forgotten that the voice is liable to be altered by disease of the fauces, nares, larynx, and other parts subservient to respiration; that it may even be suppressed altogether by the pressure of an intra-thoracic tumour, or one of the thyroid body; and that some wounds of the throat, especially those which divide the recurrent or laryngeal nerves, may destroy, or enfeeble, or heighten the voice.

(c) Congenital peculiarities, such as deficiency or redundancy of parts, arrested development, naevi materni, moles, intra-uterine amputation of limbs, blindness, deafness, dumbness, cyanosis.

Thus the indications that supernumerary fingers or toes existed have been detected long after death in the skeleton, although the phalanges themselves were not found either *in situ* or intermixed with the surrounding earth.

Naevi materni are good, because permanent marks, but do not necessarily identify the person. Their approximation to such proof will be in proportion to their number, especially if grouped. Thus the occurrence of three near each other will be of more value as a character than that of a single one, or of a pair. Three seated on the scalp, not a usual situation, have been observed in one instance out of a large number of cases in which particular attention was directed to the number and position of these marks. The significance of these congenital marks, as means of identifying the person, has not escaped the notice of poetry. Hence Spenser did not err against probability when he described the recognition, from a naevus on the breast, of his Pastorel, by

— “ her own handmaid, that Melissa hight,
Appointed to attend her duely day and night,
Who in a morning when this maiden fair
Was dighting her, having her snowy breast
As yet not laced, nor her golden hair
Into their comely tresses duely drest,
Chaunc’t to espy *upon her ivory chest*
The rosy mark, which she remembered well
That little infant had, which forth she kest,
The daughter of her Lady Claribel,
The which she bore, the whiles in prison she did dwell.”

Faerie Qu. VI., xii., 14, 15.

But those who, in the Greek and Roman times, cruelly abandoned helpless infants, by exposing them in places where they might be found and come under the precarious guardianship of the finder, did not rely exclusively on naevi or other physical signs for the means of future recognition. It was customary to deposit along with the exposed infants, or appended to them, certain objects, such as ornaments, jewels, toys, or articles of clothing, which should serve as tokens or proofs of the child’s identity at any subsequent period when it might be claimed for recognition. These objects were preserved with care, being repositied in caskets which it was usual to place within a satchel, or a wicker case covered with leather, just as the early Irish Christians enclosed a sacred

book or a relic in its *cumhdach*. The Greeks termed these objects *γνωρίσματα*, *σπάργανα*, or *ἐπισηματα*; the Romans called them *crepundia*, and sometimes *monumenta*. The practice of preserving them, and the identification which was thus facilitated in later life, is frequently introduced by the dramatists, and ancient writers of fictitious histories. Plautus, in his *Cistellaria*, and again in his *Rudens*, makes the losing or the finding of these *crepundia* contribute to or produce the event in each drama. Terence makes Sostrata, describing the abandonment of her infant daughter, relate the precaution she took of having a ring from her own finger deposited with the exposed child—

— “quum exponendam do illi, de digito annulum
Detraho; et eum dico ut una cum puella exponeret.”

—*Heaut.* IV., i., 37, 38.

And in another of his dramas, Thais commands her maid-servant Pythias to fetch the casket containing the tokens—

“Abi tu, cistellam Pythias domo effer cum monumentis.”

—*Eun.* IV., vi., 16.

Heliodorus, in his *Theagenes and Chariclea*, attributes a similar importance to such deposited tokens as aids to subsequent identification. An, at least, equal significance is given to them by the sophist Longus, in his *Poemenics*. And to both classes of evidence for such identification—the physical signs on the person, and the added tokens—Cicero refers when he says (*De Claris Oratoribus*, xci.), “Totum me, non naevo aliquo, ant crepundiis, sed corpore omni videris velle cognoscere.”

(d) Deformities resulting from injuries, as fractures, mutilations, or from disease. Thus lameness from shortening of the limb may result from disease of the acetabulum, or of the great trochanter; of the knee-joint, or ankle-joint; or from various fractures, as the intracapsular, and others which will readily present themselves to the student's recollection. The magian Smerdis, who personated the royal Smerdis, and occupied his place for several months, was detected immediately when it was discovered that his ears had been cut off, and that not recently (*Herod. Thalia*, 69). It is obvious that, if the true Smerdis had suffered a similar mutilation, the imposture might have escaped detection. Attention should be directed to ascertaining at what time and by what means any deformity, not congenital, had been caused. Even slight deformities

may serve as good diagnostic characters. Professor Alfred Taylor describes a case of suspected infanticide, in which the body was identified by a prominence of the tendon of the tibialis anticus, on the instep (*Med. Jurispr.*, chap. xlii.). In the case of a murdered man, who had been lame from birth, and whose body had been dismembered for the purpose of concealment, MM. Breschet and Dupuytren identified the remains by determining the existence in the skeleton of the congenital malformations on which the lameness depended (1 Orfila, *Med. Leg.*, 84).

(e) Cicatrices of wounds, as well of injuries as of surgical operations, and of strumous, syphilitic, or other ulceration.

Variolous foveolæ, and the permanent traces of successful vaccination.

Tattooing, which is sometimes executed with several colours and much skill in the designed pattern. Whether it be effected by introducing the carbonaceous, or other colouring matter, into slight incisions, or into numerous contiguous punctures, it is equally incapable of being obliterated. It is not unusual among sea-faring men, who have adopted it probably from the New Zealanders and Polynesians, with whom it is a national characteristic.

All these are marks as persistent, and, if their age be known, as valuable as the congenital naevi.

Cicatrices are permanent evidences of lesions, and usually present characters from which may be inferred the nature and extent of the original injury, and sometimes, though but rarely, the period of time at which it was suffered. A clean incised wound which has been healed by the first intention leaves an almost imperceptible linear scar, which, in some situations, might easily be confounded with the natural striæ of the cuticle. The cicatrix of venesection at the bend of the arm becomes, in the course of time, very difficult to observe. But the cicatrices of contused and lacerated wounds are irregular in outline, and are often uneven or even tuberculated in surface, so as to constitute actual deformities. The cicatrices of burns, and those resulting from the punishment of flogging, exhibit those appearances in the most marked form. All cicatrices are somewhat less in extent than the injury that they follow; they have a tendency to continue contracting, gradually lose the vascularity of their earliest period, become more and more indurated, and, though covered only by a smooth, closely adherent epidermis, different from the cuticle, but scarcely distinguishable from it in colour, have very little sensibility. In some morbid states, as in

that of the sea scurvy, those newly-formed tissues have been observed to yield, and the wounds to which they belonged to re-open.

Punctured wounds, gunshot wounds, and some that result from caustic applications, leave a sensibly depressed cicatrix. This has been observed long after the use of hydrochloric acid in treating wounds inflicted by a rabid animal.

The hero of the *Odyssey* had in youth received a deep and extensive wound of the thigh while hunting the wild boar; the cicatrix was therefore properly made to aid in his recognition perhaps forty years afterwards (*Odyss.* xix. 391, sq.). But the recognition is not made to depend on this alone; it is accompanied by several corroborating circumstances.

In the French case of Noiseu, quoted by Beck from Fodere, the evidence of cicatrices was disregarded.

After cicatrices have been completely formed, and have lost the vascularity of their first period, which may last several weeks or even months, they appear to undergo no change, unless a very slow and almost imperceptible contraction and induration. Hence the determination of their age after the first year has passed is scarcely to be expected. The shape of the cicatrix often differs from that of the wound, being modified by the figure and motions of the subjacent parts, and the condition of the areolar tissue.

The importance of cicatrices as diagnostic marks in personal identification was exemplified in the case of *Smyth v. Smyth*, tried at Gloucester in August, 1853, when the traces of scrofulous ulcers on the neck and right hand of the plaintiff served to identify him as one Provis, a convicted felon, in no way connected with the family to whose title of honour and estates he had made claim.

(f) Age, sex, growth, development, and decay each furnish physical characters that may be used in discrimination and identification. But sex itself has been successfully concealed, and in some recorded instances, one of which has very recently become known in this country, has not been discovered until after the death of the subject had given occasion to an inquiry. This case was that of a female who had disguised herself in male attire. But while this sheet was at press, the public journals announce the discovery, in the county Limerick, of a male, who for ten years past had been unsuspectingly disguised in the apparel of a female. The scholar will call to mind the story of Achilles, so effectually concealed by the female dress that he was only discovered by an artifice.

The teeth and hair may each be subservient to identification; but it must be remembered that both are easily liable to sophistication, the natural teeth being replaced by artificial substitutes, and the hair being changed from its own colour to some other by various dyes in which lead, copper, and mercury are not infrequent ingredients. The identification of some fragments of osseous remains, as those of George Parkman, M.D., who was murdered in Boston, Massachusetts, in November, 1849, was chiefly established by the adherence of some recognized artificial teeth to a fragment of the upper jaw. In a case of murder investigated in France, the hair of an adult female was identified, in the *debris* of the body and the earth in which it had been buried, eleven years after the interment (1 Orfila, *Med. Leg.*, 92).

The characters of age appear to have been unnoticed in the case of Babilot and Baronet, in which a man, aged thirty-four years, was fraudulently substituted for one of forty-eight, although there were also physical signs sufficiently remarkable to distinguish their respective possessors. Both men had been above twenty years absent from their native place, and this, together with the combination in the fraud of the sister of the elder, and the father of the younger, rendered it possible. The case was decided in the bailliage court of Rheims, which condemned Baronet, the elder man, as an impostor, sentencing him to be a galley-slave for life. After two years Baronet found means to appeal to the Parliament of Paris, by which, after examination made by the celebrated surgeon Louis, the sentence of the bailliage court was annulled, and the appellant's identity recognized, with restitution to all his rights (26 *Causes Celebres*, 256).

(g) The effects of trades and other employments, and of habits of life, customs, and manners, are often so far impressed on the bodily conformation that they may become auxiliaries of no small importance in cases of contested personal identity. Thus a peculiar attrition of the teeth in an inveterate tobacco smoker, resulting in the formation of two semicircular depressions, one in the upper the other in the lower jaw, vertical to each other, so as to exactly compress the pipe, was among the means of identifying the remains of Nicholas Joseph Guerin, who had been murdered by his brother (1 Orfila, *Med. Leg.*, 86). In this case there was also congenital lameness.

The most ancient attempt at the identification of osseous remains and the connexion of their state with habits of life, is that recorded

by Herodotus (*Thalia* 12), who tells us that on the battle field of Pelusium, where Psammenitus had been defeated by Cambyses, it was still possible to distinguish the nationality of the slain by the differing condition or consistence of the Persian and Egyptian skulls.

Of all these physical signs it may be remarked, that they are divisible into such as may and such as cannot be simulated. Their probative and diagnostic value also is varied according as they are applied to establish an affirmative or a negative; for the presence of one or more of the physical signs above mentioned cannot prove the affirmative with the same certainty that their absence would prove the negative. If Titius had been treated successfully by incision for strangulated hernia, or had been punctured above the pubis for retention of urine, and that Caius, who resembles him in appearance, attempts to personate him, and on examination is found to have no trace of such operation, there will be in this absence of physical signs, positive evidence of diversity, and consequently of imposture. On the contrary, should the cicatrices of such operations be discovered on Caius, they would be insufficient to prove the identity that he had claimed. It would still be dubious, and other means would have to be adopted for ascertaining the true relative positions of the parties in the contestation. John Doe, who is pock-marked, may succeed in personating Richard Roe, who had emigrated twenty years previously, and was not known either to have been vaccinated or to have had small-pox. But Peter Styles, who had been successfully vaccinated during childhood, and had subsequently gone abroad, and thenceforward remained entirely obscured from the knowledge of his family, could not be personated with success by John Noaks, who, resembling him exactly in face and figure, yet had neither the mark of vaccination nor any other cicatrix occupying its site. The absence of this sign would be absolutely inconsistent with demandant's case, unless the arm in which it ought to have been found had been amputated, or had been the seat of ulceration, or had suffered injuries by which the vaccine cicatrix, if present, might have been destroyed. The significance and value of physical signs will be therefore affected by the possibility of their having been imitated, or acquired for the purpose of deception.

Although neither personal resemblance nor any other physical sign is to be admitted as an indubitable evidence of identity, the concurrence of others with it will, in the absence of positive

contradictory testimony, obviate the objection to which each singly might be liable. The author of the *Odyssey* must have been aware of this when he made his hero, returning home in the twentieth year of his absence, establish his identity, not only by the well-marked character of the great cicatrix on the thigh (*Odys.* xix. 391, sq.), but also by his recollection of long past private incidents (*ib.* xxiii. 110–206, cf. xxiv. 321, sq.), and in addition by his being recognized, even at that distance of time, by his aged and faithful dog Argus (*ib.* xvii. 302).

The investigation of personal identity is required in a great variety of cases. (1) The plea of “mistaken identity” is very frequent as a defence against charges of criminality, but is often resolved into one of “alibi.” (2) In cases where “personation” is alleged, the question of identity is necessarily raised, but it is rarely, if ever, found that the matter cannot be decided by other evidences than would be deducible from a laborious examination of physical signs, more or less obvious. (3) Where “supposititious children” are suspected to have been introduced, or attempted to be introduced, into a family, the identity, together with the maternity, and, perhaps, also the indications of recent parturition, require to be strictly scrutinized on behalf of those who would be injuriously affected by such a scheme. There are many recorded instances of such fraudulent impostures having nearly proved successful. (4) Where it is sought to recognize children who have been exposed during infancy, or consigned to a foundling hospital by their parents. The selfish and sophistical Rousseau unblushingly relates the trouble he himself had in recovering his own progeny from the foundling establishment to which he had abandoned it. (5) The most difficult cases, and perhaps therefore the most interesting, are those of persons who, after many years’ absence, find, on their return home, that they are no longer recognizable by their household or familiars; or they may have survived all to whom they were personally known; or the long absent traveller having perished in some unknown catastrophe, or being supposed to have perished, his place in society may be claimed by an adventurous impostor who has managed to obtain just so much knowledge of the lost person’s affairs as may suffice for persuading the ignorant, the unsuspecting, and the unreasoning, who together comprise perhaps a numerical majority of mankind.

The case of Andrea de la Casa, who, returning home after more than thirty years’ absence in foreign warfare and slavery, found

himself unknown and unrecognizable, and who was thrown into prison as an impostor, would have been recorded as an attempted and detected fraud, if it were not for the skill and discrimination with which Paul Zacchias investigated all the less obvious though important physical signs, which led to a decision in the aged warrior's favour.

The late Lord St. Leonards says, "Constant claims are set up to the estates of other men by poor and ignorant, and sometimes by crafty persons, although generally the latter support the claims of the former where they think they can work upon the credulity of mankind. Some remarkable instances of fraudulent claims which have happened in recent times will recur to your memory. I call your recollection to them in order to guard you against such frauds; for these claims, when specious ones, are made the subject of bargains and wagers in the city, and the claimants held up as persons who have been stripped of their rights by the wealthy, and are deserving of public sympathy. I have myself seen an office open for a considerable period in a great thoroughfare in the immediate vicinity of Westminster Hall, for the sale of shares in an estate claimed by a person who, to meet the expenses of law proceedings, was willing to allow subscribers to participate *largely* in the profits of the estate when acquired. Great numbers of persons were cheated by this scheme, which was clearly an illegal one" (*Property Law*, Letter xxiii.).

In such cases it may happen that the result will depend principally on the means by which it may be determined that a demandant is really the person that he professes and claims to be. The means of proof will then come to be considered under two distinct heads—one comprising the physical signs and their due estimation, the other, which may be the more extensive, the evidences of every other kind by which the inferences deduced from physical characters may be supplemented or corrected. The first description of evidence is more properly, though not exclusively, the part of medical witnesses; the second of all credible testimony, whether medical or not. The object of the present essay is necessarily the former only; the latter requiring not merely legal knowledge, but legal habits of thought, "the legal mind," as it has been termed, remains the province of the professed lawyer, and is discussed at length by Taylor, Starkie, Phillips, and other writers of legal eminence, whom it would be superfluous to more than name.

It is almost superfluous to allude to the baffling of identification

by the substitution of one person for another. Thus Lady Francis Howard, having to submit to a medical examination, the result of which she was conscious would be against her, persuaded the examiners, by an affected modesty, to allow the examination to be made in a darkened room. In this she managed to substitute an unvitiated female for herself, and thus procured the report that she desired. (1 Howell's *State Trials*.)

In most of the temporarily successful cases of personation mentioned by historians, there has existed a close similitude between the personator and the personated. The false Philip of Macedonia, the false Agrippa, and the false Nero, each exhibited this resemblance to his prototype. Of the false Philip it is said by Florus "vir ultimæ sortis Andriscus . . . quia vulgo ex similitudine Philippi, Pseudo-Philippus vocabatur, regiam formam regium nomen, animo quoque regio implevit" (*Epit. Rer. Rom.*, ii. 14). Tacitus remarks of the false Agrippa, "ætate et forma haud dissimili in dominum erat" (*Annal.*, ii. 39), and of the false Nero, "servus e Ponto, sive ut alii tradidere, libertinus ex Italia, citharæ et cantus peritus, unde illi, supra similitudinem oris, propior ad fallendum fides" (*Hist.*, ii. 8). The physical character, in this last instance, being corroborated by a similarity in accomplishments and attainments, that must have powerfully aided in supporting the deception. It is doubtful whether the claimant of the Portuguese crown, who represented himself to be King Sebastian returned from captivity, was the person he represented himself to be, or was an impostor of more than ordinary ability. The latter alternative should be admitted, if the reported death of Sebastian in the battle of Alcazar (8th August, 1578) had been placed beyond doubt. But the body alleged to be his, which was shown on the field, was not sufficiently identified; whether it was his may be doubted, as it was wounded, and putrefaction would rapidly proceed in the heated atmosphere of Africa, rendering recognition difficult or impossible (Thuani *Hist. sui temp.*, lxxv.). The false Demetrius in Russia, certainly bore a strong resemblance to the prince he personated, and hence his imposture was for a long period attended with success.

All these cases of personation are far surpassed by one that occurred in the south of France about the middle of the sixteenth century, the circumstances of which were so extraordinary that, if they were not attested by the contemporary judicial documents, they might be regarded as transgressing the limits of credibility as

well as of probability. The personal resemblance which existed between two men who, for several years, were fellow-soldiers and comrades, being the probable origin of the train of imposture which the tenacious memory and the crafty astuteness of one of them carried on with unbroken success until its tragic termination after a course of three years. Briefly stated the case is this:—At Artigat, a place in Gascony, there lived a man named Martin Guerre, whose wife, Bertrande De Rolz, is described as handsome (“*une belle jeune femme*”), and with whom he lived happily ten years. He then absconded from home, became a soldier, and in the army formed a familiar acquaintance with Arnauld du Tilh, a soldier whose personal appearance bore a very close similitude to his own. During eight years this companionship continued, in which time Du Tilh learned all the particulars of Guerre’s life, domestic affairs, and relatives. Relying on the possession of all this information, and on his own resemblance in person to Guerre, the crafty Du Tilh resolved on personating his comrade, and having secretly departed, presented himself at Guerre’s house as the long absent fugitive, at last, after eight years, in which he had no communication with his family, returning home to resume his former position. It had been thought that he was dead; now his unexpected re-appearance filled the house with joy. The pretended Guerre was received and recognized by the family and the neighbours. As Guerre he was accepted by the parents, uncles, sisters, brothers-in-law, and the wife of the man he personated; and was in the same manner, at once and without hesitation or objections, congratulated by the townsfolk and neighbours to whom Guerre had been known before his departure. Three years passed merrily away, the family was augmented by two children, and detection might never have occurred if a conjugal quarrel had not been caused by a dispute as to the selling of some part of a farm by the pretended Guerre. Then discrepancies began to be observed, deficiencies in memory and imperfections or inconsistencies in conversations about former years were carefully noted, and a suspicion, which was at first latent, gradually augmented into a confident belief in some of the Guerre family that the returned soldier was not the true man. A division in the family resulted; the greater number persisting in their recognition of the adventurer. In 1559 a process was instituted before the criminal judge at Rieux, and depositions were taken at great length from a large number of witnesses to sustain or rebut the charge of fraud and imposture.

The result was the condemnation of the impostor, who persisted in his story that he was the Guerre who had been eight years absent, and from the sentence of the court of Rieux he appealed to the Parliament of Tholouse, the supreme tribunal of the province. That court itself would have been perplexed how to decide, so conflicting were the testimonies, if the true Guerre had not at last appeared on the scene, and being confronted with Du Tilh was in his turn denounced as the impostor. But the deceived members of the family having gradually discerned the truth of the matter, and revoked the testimony they had given in favour of Du Tilh, he was condemned by the Parliament to be hanged, and his body to be afterwards burned. A copy of the sentence is subjoined, as an authentic evidence of an imposture that appears stranger than fiction, and for which even in the French *Causes Celebres* a parallel cannot as yet be found. About forty witnesses deposed in favour of the impostor, and among them, mistaken and deceived, were the nearest relations of the personated man, together with his friends and neighbours. The sentence, dated 12th September, 1560, was executed, and if any doubt could have remained as to its justice, it was removed by the full confession made by the impostor.

“ARREST, donne au Parlement de Tholose, à l'encontre de Arnould du Tilh soldat, sur la supposition du nom par luy faicte de Martin Guerre, aussi compaignon, soldat.

“VEU le proces faict par le Juge de Rieux à Arnould du Tilh, dict Pensette, soy disant Martin Guerre, prisonnier à la conciergerie, appellant du dict Juge, etc. Dict a esté que la Court a mis et met l'appellation du dict du Tilh, et ce dont a esté appellé au neant: Et pour punition et reparation de l'imposture, faulseté, supposition de nom et personne, adultere, rapt, sacrilege, pilage, larrecin et autres cas par le dict du Tilh prisonnier commis, resultans du dict proces, la court l'a condamné a faire amende honorable, au devant l'Eglise du lieu d'Artigat, et illec de genoux en chemise, teste et piedz nudz, ayant la hart au col, et tenant en ses mains une torche de cire ardente, demander pardon à Dieu, au Roy, à Justice, aus ditz Martin Guerre et de Rolz mariéz, et ce faict sera le dict du Tilh, delivré es mains de l'executeur de la haulte Justice qui luy fera faire les tours, par les rues et quarrefours accoustumez du dict lieu d'Artigat, et la hart au col, l'amenera devant la maison du dict Martin Guerre, pour illec en une potence qu'a ces fins, y sera dressée, estre pendu et estranglé, et apres son corps brusle,

Et pour certaines causes et considerations a ce mouvans la court, elle a adjugé et adjuge les biens du dict du Tilh a la fille procrée de ses oeuvres, et de la dicte de Rolz, soubz pretexte de Mariage par luy faulusement pretendu, supposant le nom et personne du dict Martin Guerre, et par ce moyen decevant la dicte de Rolz, extraicts les fraiz de Justice: Et oultre a mis et met hors de proces et instance les dictz Martin Guerre et Bertrande de Rolz, ensemble le dit Pierre Guerre oncle du dit Martin: Et a renvoyé et renvoye iceluy du Tilh au dit Juge de Rieux, pour faire mettre ce present Arrest à execution, selon sa forme et teneur. Prononcé judiciairement, le douziesme jour de Septembre, 1560."

Beck, mentioning this famous imposture, says, "I am unable to say whether physical resemblances were much noticed in this case" (*Med. Jurispr.*, chap. xi.). The contemporary documents show that they were, and that the wife and relatives of Guerre were deceived by the impostor bearing such an exact resemblance to the absent man that the eye could not distinguish between them, while his accurate information on every subject connected with their family was sufficient to dispel doubt if any existed. The imposture was a surprising and well-sustained effort of memory and astuteness, but it could never have succeeded if it had not the solid support of the physical resemblance—" *La grande similitude qui estoit entre luy et le dit Martin.*" The co-existence of this undistinguishable personal likeness, with an extensive knowledge of the family's private affairs, explains the apparent facility with which the four sisters and their husbands, with their parents and uncle, and the wife of Guerre, admitted the impostor, and in supporting his cause were aided subsequently by about forty witnesses of the vicinity. If the sisters had not been undeceived, so that they revoked their first evidence, it is probable that the definitive sentence would have been very different from that which was given by the supreme court.

From what it has, in these pages, been attempted to submit intelligibly to the reader, on the subject of personal identity and the physical signs that may be auxiliary to identification, the following conclusions may be drawn:—

1. That there is no physical sign from which alone the identity of a person may be proved.
2. That an approximation to certainty of proof may be deduced from, and will be in proportion to, the number and value of the physical signs co-existing and observable.

3. That the presence of physical signs is of less value as affirmative, than their absence would be as negative proof.

4. That congenital malformations, and the permanent cicatrices of lesions subsequent to birth, either from injury or disease, are good characters, directly as they are rare, but in an inverse ratio to the frequency of their occurrence.

Transposition of the thoracic viscera, or the traces of such rare operations as the Taliacotian, would be especially valuable.

5. That those which are capable of being imitated or simulated have, or ought to have, a less value as proofs than those which cannot be simulated, or than those that are ineffaceable without leaving evident indications of what had been done for their removal. And consequently, that in a dubious or contested case, the result should be determined, not from a single sign, unless it decisively establish the negative, or even by one class of proof, but by the sum of all the evidences of every kind that are adduced, which are accordant, credible, and not antagonized or neutralized by others of greater value. The case of Du Tilh exemplifies the fallibility of all human testimony; that of De la Casa shows how an accurate observer and judicious reasoner may, by a just appreciation of even obscure evidences and signs, compensate for the absence of more obvious characters, and so restore to a demandant his civil status, and rights of property that otherwise would have been irreparably lost.

ART. XVI.—*Ozokerit, as a Therapeutic Agent.* By HENRY SAMUEL PURDON, M.D., L.R.C.P.; Physician to the Belfast General Hospital, and to the Hospital for Diseases of the Skin.

THE following note is intended to call attention to a substance that is useful in the treatment of certain forms of cutaneous disease—I refer to ozokerit. However, I wish to preface the following remarks by stating that as yet my experiments with it have been limited. I cannot, or indeed do I wish to laud this substance as an infallible specific in the treatment of skin diseases; but in some of my cases the results have been so satisfactory, that it occurred to me it would probably be interesting to publish the following notes. For a supply of ozokerit I am indebted to Messrs. J. C. and J. Field, the great candle manufacturers, of London, who make brilliant candles from this substance.