de Puteo, Ægidius Bossius of Milan, Casonus of Venice, Decianus, Follerius, and Tranquillus Ambrosianus, whose works cover the period from the 13th to the end of the 17th century. The law depended mainly on the writings of the jurists as interpreters of custom. At the same time in all or nearly all the Italian states the customary law was limited, supplemented, or amended by legislation. That a check by legislative authority was neces­sary appears from the glimpses afforded by the writings of the jurists that the letter of the law was by no means always fol­lowed.@@1 The earliest legislation after the Roman law seems to be the constitutions of the emperor Frederick II. for Sicily pro­mulgated in 1231.

Several instances of the torture of eminent persons occur in Italian history. The historical case of the greatest literary interest is that of the persons accused of bringing the plague into Milan in 1630 by smearing the walls of houses with poison. An analysis of the case was undertaken by Verri @@2 and Manzoni,@@3 and puts in a clear light some of the abuses to which the system led in times of popular panic. Convincing arguments are urged by Manzoni, after an exhaustive review of the authorities, to prove the ground­lessness of the charge on which two innocent persons underwent the torture of the canape, or hempen cord (the effect of which was partial or complete dislocation of the wrist), and afterwards suffered death by breaking on the wheel. The main arguments, shortly stated, are these, all based upon the evidence as recorded, and the law as laid down by jurists. (1) The unsupported evidence of an accomplice was treated as an indicium in a case not one of those exceptional ones in which such an indicium was sufficient. The evidence of two witnesses or a confession by the accused was neces­sary to establish a remote indicium, such as lying. (2) Hearsay evidence was received when primary evidence was obtainable. (3) The confession made under torture was not ratified afterwards. (4) It was made in consequence of a promise of impunity. (5) It was of an impossible crime.

Mach general information on the subject will be found in the works of Mr Lea and Mr Lecky, to which reference has already been made, in the *Penny Cyclo­pædia,* s.v. “Torture,” in Zedler’s *Universal Lexicon,* s.v. “Tortur,” and in Meyer’s *Esprit des Institutions Judiciaires.* For England, Jardine’s work is the standard authority. Thirty-six kinds of torture are described in Meyer's *Kon­versations-Lexikon,* s.v. “Tortur.” Instruments of torture are still preserved in the Tower of London and in the museums of Munich, Ratisbon, Nuremberg, The Hague, and other places. Those at the Tower are the iron collar, the bilboes, the thumbscrew, and the scavenger's daughter. There is also a model of one of the forms of the rack. (J. W†.)

TORY. See Whig and Tory.

TOTEMISM. A totem is a class of material objects which a savage regards with superstitious respect, believing that there exists between him and every member of the class an intimate and altogether special relation. The name is derived from an Ojibway (Chippeway) word which was first introduced into literature, so far as appears, by J. Long, an Indian interpreter of last century, who spelt it *totam.@@4* The connexion between a man and his totem is mutually beneficent : the totem protects the man, and the man shows his respect for the totem in various ways, by not killing it if it be an animal, and not cutting or gathering it if it be a plant. As distinguished from a fetich, a totem is never an isolated individual, but always a class of objects, generally a species of animals or of plants, more rarely a class of inanimate natural objects, very rarely a class of artificial objects.

Considered in relation to men, totems are of at least three kinds :—(1) the clan totem, common to a whole clan, and passing by inheritance from generation to generation ; (2) the sex totem, common either to all the males or to all the females of a tribe, to the exclusion in either case of the other sex ; (3) the individual totem, belonging to a single individual and not passing to his descendants. Other kinds of totems exist and will be noticed, but they may perhaps be regarded as varieties of the clan totem. The latter is by far the most important of all ; and where we speak of totems or totemism without qualification the reference is always to the clan totem.

*The Clan Totem.—*The clan totem is reverenced by a body of men and women who call themselves by the name

of the totem, believe themselves to be of one blood, de­scendants of a common ancestor, and are bound together by common obligations to each other and by a common faith in the totem. Totemism is thus both a religious and a social system. In its religious aspect it consists of the relations of mutual respect and protection between a man and his totem ; in its social aspect it consists of the rela­tions of the clansmen to each other and to men of other clans. In the later history of totemism these two sides, the religious and the social, tend to part company ; the social system sometimes survives the religious ; and, on the other hand, religion sometimes bears traces of totemism in countries where the social system based on totemism has disappeared. We begin with the religious side.

*Totemism as a Religion, or the Relation between a Man and his Totem.—*The members of a totem clan call them­selves by the name of their totem, and commonly believe themselves to be actually descended from it.

Thus the Turtle clan of the Iroquois are descended from a fat turtle, which, burdened by the weight of its shell in walking, con­trived by great exertions to throw it off, and thereafter gradually developed into a man.@@5 The Cray-Fish clan of the Choctaws were originally cray-fish and lived underground, coming up occasionally through the mud to the surface. Once a party of Choctaws smoked them out, and, treating them kindly, taught them the Choctaw language, taught them to walk on two legs, made them cut off their toe nails and pluck the hair from their bodies, after which they adopted them into the tribe. But the rest of their kindred, the cray-fish, are still living underground.@@6 The Osages are descended from a male snail and a female beaver. The snail burst his shell, developed arms, feet, and legs, and became a fine tall man ; after­wards he married the beaver maid.@@7 Some of the clans of western Australia are descended from ducks, swans, and other waterfowl.@@8 In Senegambia each family or clan is descended from an animal (hippopotamus, scorpion, &c.) with which it counts kindred.@@9

Somewhat different are the myths in which a human ancestress is said to have given birth to an animal of the totem species. Thus the Snake clan among the Moquis of Arizona are descended from a woman who gave birth to snakes.@@10 The Bakalai in western equatorial Africa believe that their women once gave birth to the totem animals ; one woman brought forth a calf, others a crocodile, hippopotamus, monkey, boa, and wild pig.@@11

Believing himself to be descended from, and therefore akin to, his totem, the savage naturally treats it with respect. If it is an animal he will not, as a rule, kill nor eat it. In the Mount Gambier tribe (South Australia) “a man does not kill or use as food any of the animals of the same sub­division with himself, excepting when hunger compels; and then they express sorrow for having to eat their *wingong* (friends) or *tumanang* (their flesh). When using the last word they touch their breasts, to indicate the close relation­ship, meaning almost a part of themselves.

To illustrate :—One day one of the blacks killed a crow. Three or four days afterwards a Boortwa (crow) named Larry died. He had been ailing for some days, but the killing of his wingoηg hastened his death.@@12 The tribes about the Gulf of Carpentaria greatly reverence their totems : if any one were to kill the totem animal in presence of the man whose totem it was, the latter would say, “ What for you kill that fellow ? that my father !” or “ That brother belonging to me you have killed ; why did you do it ? ” @@13 Sir George Grey says of the western Australian tribes that a man will never kill an animal of his kobong (totem) species if he finds it asleep ; “ indeed, he always kills it reluctantly, and never without affording it a chance to escape. This arises from the family belief that some one individual of the species is their nearest friend, to kill whom would be a great crime, and to be carefully avoided.”@@14 Amongst the Indians of British Columbia a man will

@@@1 For instance, Paris de Puteo illustrates the extra-legal cruelties sometimes practised by asserting that he saw a judge seize an accused by the hair of the head and dash his head against a pillar in order to extort a confession.

@@@2 Osservαzioni sulla Tortura.

@@@3 Storia delta Colonna Infame.

@@@4 Voyages and Travels of an Indian Interpreter, p. 86, 1791.

@@@5 Second Annual Report of the Bureau of Ethnology, Washington, 1883, p. 77.

@@@6 Catlin, North American Indians, ii. p. 128.

@@@7 Schoolcraft, The American Indians, p. 95 sq. ; Lewis and Clarke, Travels to the Source of the Missouri River, London, 1815, i. p. 12.

@@@8 Sir George Grey, Vocabulary of Dialects of S. W. Australia.

@@@9 Revue d'Ethnographie, iii. p. 396, v. p. 81.

@@@10 Bourke, Snake Dance of the Moquis of Arizona, p. 177.

@@@11 Du Chaillu, Explorations in Equatorial Africa, p. 308.

@@@12 Stewart in Fison and Howitt, Kamilarοi and Kurnai, p. 169.

@@@13 Jour. Anthrop. Inst., xiii. p. 300.

@@@14 Grey, Journals of Two Expeditions in North- West and Western Australia, ii. p. 228.