

ness" to each other of husband and wife respectively, by enacting : " No married person whose husband or wife has been a party to an offence shall become an accessory after the fact thereto by receiving, comforting or assisting the other of them, and no married woman whose husband has been a party to an offence shall become an accessory after the fact thereto, by receiving, comforting or assisting in his presence and by his authority any other person who has been a party to such offence in order to enable her husband or such other person to escape."

3. *Suicide.*

By the common law suicide is murder. " No man," says Hale, " has the absolute interest of himself, but (1) God Almighty hath an interest and propriety in him, and therefore self-murder is a sin against God. (2) The King hath an interest in him, and therefore the inquisition in case of self-murder is felonice et voluntarie seipsum interfecit et murderavit contra pacem domini regis : " 1 Hale 412. If one encourages another to commit suicide, and be present abetting him while he does so, he could be convicted of murder as a principal in the second degree. A person who counselled, aided or abetted another to commit suicide but who was not present when the *felo de se* put an end to his life, was in the position of an accessory before the fact to murder. An accessory before the fact could not at common law be tried until the principal felon had been convicted, unless he were tried along with the principal. Hence it followed in the case of suicide that the accessory to the felony of self-murder escaped punishment, as it was not possible to try the principal before an earthly tribunal. The law in this latter respect has been altered in England by statute.

In the recent case of *Reg. v. Stormonth* (1897) (almost identical in its facts with *Reg. v. Alison*, 8 C. & P. 418) a man and a woman had agreed to die ; poison was obtained, they divided it, drank it, and lay down together awaiting death ; the woman alone died, whilst the man recovered and lived to be indicted for her murder. It was held that the prisoner was guilty of murder ; he was accordingly convicted, and was sentenced to the penalty of death : 42 Sol. Jo. p. 3 ; 61 J.P. 729.

The provisions of the Code, which materially change the common law in this respect, are as follows : S. 237. " Every one is guilty of an indictable offence and liable to imprisonment for life