

doing it, the act of throwing was to be considered as the act of both. The jury found that the prisoner and deceased went to the water with the purpose of drowning themselves, and the prisoner was convicted; and, on a reference to the judges, they were clear that, if the deceased threw herself into the water by the encouragement of the prisoner, and because she had thought he had set her the example in pursuance of the agreement, he was principal in the second degree, and guilty of murder.

In *R. v. Allison*, 8 C. & P. 418, where it appeared that the prisoner and the deceased, who had been living together as man and wife, being in great distress, agreed to poison themselves, and both afterwards took laudanum, the woman alone dying, Patteson, J., held, on the authority of *R. v. Dyson*, that if two persons mutually agree to commit suicide together, and the means employed to produce death only take effect on one, the survivor will, in point of law, be guilty of the murder of the one who died. *R. v. Jessop*, 16 Cox 104, adopts the ratio decidendi of the earlier cases.

The law in England being settled on the subject, it is a matter for surprise that in the case of George Pearson who was convicted in Hamilton about a year and a half ago for murdering a young woman, said to be his sweetheart, the Crown omitted to question as a defence raised on his behalf the allegation that they had agreed to die together.

The two remaining instances expose features peculiar to themselves. In that of the sacrilegious tempting of the Almighty by the demented creature at Niagara she, invited with new rashness the hurling of His thunderbolts on her head, by supplications throughout the ordeal to be preserved from danger, but no intention that life should be taken was harboured either by the principal in the adventure, or her equally culpable seconder. There was, on the contrary, the sincerest desire, the most fervent hope on the part of each that its ending might be propitious, in order, as one reason, that pecuniary benefit should be reaped from the notoriety it was expected to bring. If criminality should otherwise be thought to inhere, would this have altered, had death ensued, the position of the agent, who had performed a series of overt acts in prosecution of their joint design, amongst them, superintending the construction of the barrel, and committing it subsequently to the river above the Falls? Still, there having been, as before stated, no resolve to terminate her own existence, a factor needed