

excuse. The command of a superior to an inferior, of a parent to a child, of a master to a servant, of a principal to his agent, will not justify a criminal act done in pursuance of such an act. (1 Bish. Crim. Law, s. 355; *Reese v. State*, 73 Ala. 418; Bl. Com. s. 27.) In a learned discussion of the question to be found in *Com. v. Neal*, 1 Lead. Crim. Cas. 81, and note, p. 91, by Bennett and Heard, it is declared that 'for certain crimes the wife is responsible, although committed under the compulsion of her husband. Such are murder, &c. To the same effect is the text in 14 Am. & Eng. Enc. Law, 649, and this Court gave sanction to the rule in *Bibb v. State*, 95 Ala. 31.

In Ohio a contrary rule prevails in regard to the wife. (*Davis v. State*, 15 Ohio, 72.) In Arkansas there is a statute specially exempting married women from liability when 'acting under the threats, commands, or coercion of their husbands': but it was held under this Act there was no presumption in favour of the wife accused of murder, and that it was incumbent on her to show that the crime was done under the influence of such coercion, threats, or commands. (*Edwards v. State*, 27 Ark. 493, reported by Green in 1 Crim. Law, 741.)

In the case of *Beal v. State*, 72 Ga. 200, and also in the case of *People v. Miller*, 66 Cal. 468, the question arose upon the sufficiency of the testimony of a witness to authorise a conviction for a felony, it being contended that the witness was an accomplice. In both cases the witness was under fourteen years of age. It was held that if the witness acted under threats and compulsion he was not an accomplice. The defendants were convicted in both cases.

The learned judge referred to *Regina v. Crutchley*, 5 C. & P. 133; 1 Hawk. P. C. 28, s. 26; 1 Hale, P. C. c. 8, pp. 49-51: 4 Black. Com. s. 30; East, P. C. 294; and *Regina v. Tyler*, 8 C. & P. 616, and then proceeded:—

In the case of *Respublica v. McCarty*, 2 Dall. 86, when the defendant was on trial for high treason, the Court uses this language: 'It must be remembered that in the eye of the law nothing will excuse the act of joining an enemy but the fear of immediate death; not the fear of any inferior personal injury, nor the apprehension of any outrage on property.' The same rule in regard to persons charged with treason as that stated in Hale P. C. is declared in Hawkins (vol. i. chap. 17, s. 28, and note), and both authors hold that the question of the practicability of escape is