

As, under the Roman polity, however, a master had, up to Hadrian's time, the absolute right to put his slave to death, the question as to whether this relation subsisted between the actors is decidedly material ; for, if Strato might fairly anticipate, on refusing to comply with the request, his own destruction at Brutus' hands, he would, in carrying it out, assuredly be excused. But the nicety is canvassed only because it serves to endow the event with fuller interest for legal understandings, the writer proposing to treat the episode as though the social fabric at Rome, when it transpired, had been what we survey in the world to-day.

Proceeding to deal with the problem in the abstract, the proposition will not, it is safe to affirm, be denied that, for one to be accessory to the murder of a person depriving himself of life, there must exist, or be imputable to him, as being gifted with judgment, able to exert discrimination, a belief that, where its adequacy is not palpable, the means employed is calculated to achieve the purpose.

What difference in principle, it may be asked, is there between the case in point and that, more readily called to mind, perhaps, than any other, of the attendant upon a sufferer from some hopeless malady, who might respond to his pathetic entreaties to end his misery by the administration of a draught of poison ? Would it, for a moment, be questioned that, no matter how profound the anguish that was being endured, no matter how imminent the unavoidable issue might be seen to appear, justification for assenting to his prayer could not validly be set up ?

The argument, after all, resolves itself into this : can there be, under any circumstances, exemption from guilt in abettors of a suicide.

The authority making known the conditions which establish complicity in the act of a *felo de se* is *R. v. Dyson*, Russ. & Ry. 523. The issue arising there was a compact entered into between a couple, one of whom perished, to drown themselves. The judge told the jury that, if they believed the prisoner only intended to drown himself, and not that the woman should die with him, they should acquit the prisoner, but if they both went to the water with the purpose of drowning themselves, each encouraging the other in the commission of a felonious act, the survivor was guilty of murder. He also told the jury, that, though the indictment charged the prisoner with throwing the deceased into the water, yet, if he were present at the time she threw herself in, and consented to her