all three having set up a door in a tree, fired at it at a distance of 100 yards. The deceased, a little boy of ten, was in his father's garden, standing on an apple tree so as to water a rose tree. His young sister was near and heard two shots, the second of which killed the boy. There was no trustworthy evidence to show who fired the fatal shot. The son of the owner of the field, who provided the door to fire at, and stood near the defendants, was a witness, and said that four shots were fired, but who fired which shot he could not tell. He thought, too, that the second shot struck the target, which was rather in conflict with the sister's evidence. George Salmon, to screen his brother, said it was he who killed the boy; but, on the other hand, he said it was the second shot which he fired. Hancock said they all three fired one each. There was thus evidence of the death of the boy by one of three defendants, but no proof which of the three it was. There does not seem to have been evidence against John Salmon that he fired a shot at all. The jury, however, found all three prisoners guilty of manslaughter, and the Court for the Consideration of Crown Cases Reserved upheld the conviction.

There seems to be little doubt that the defendants were guilty of an unlawful act. It was proved that all three expressed an intention to fire, and, as shots were fired, to the extent of the unlawfulness of that act they were all three responsible. That the act of firing at a target placed high in a tree, with a rifle carrying a distance of a mile or more, in the neighborhood of houses and gardens, and without any precautions whatever, was culpably negligent, and, therefore, an unlawful act can hardly admit of dispute. If the firing were contrary to the Highway Acts, for example, the conviction of all the defendants would undoubtedly have been proper. But they were indicted for manslaughter, and the mere unlawful act of which they were guilty was not criminal in itself. To make it criminal, there must be added the fact that the death of the boy was caused by it. The mind must not be misled by the consideration that if all three defendants were not convicted, no one on the evidence could be convicted. If it were essential to bring home the death to a particular defendant, the failure of that proof must bring about the failure of the charge. It may not unfairly be argued that the defendants who did not fire the shot which caused the death were no more guilty of manslaughter than the man who lent the field for the purpose of firing. The same consideration is, perhaps, better put by saying that the present decision is capable of a dangerously wide application. If it is not necessary to show that the defendant actually fired the shot producing the death, it is not necessary to show that he fired at all. Possibly the decision goes as far as this, because there seems to have been no evidence that one of the three fired, except that he was among those who did, and shots were heard. We do not think, however, that it was intended to go so far. Lord Coleridge, in giving judgment, said: "The prisoner who fired the fatal shot committed manslaughter; but as the other two joined in the act and fired shots also, they are all guilty of manslaughter." In other words, an active part must be taken in the dangerous act to produce guilt. Suppose, for example, instead of a rifle, a cannon had been used. Clearly those who brought the cannon into position, and who charged and pointed it, would be equally responsible, with the man who actually fired, for the consequences of the shot. The decision, however, is not, in our opinion, satisfactory, as the considerations arising out of the case were barely dealt with. It is difficult to divest the mind from the feeling that the result would have been different if the fatal shot had been clearly brought home to one of the three defendants. In that case, if all three had been charged, would the judges have confirmed the conviction as to all? This is the question which tests the decision. Suppose, for example, two men on bicycles are racing along a road at a furious pace, and one of them kills a passer-by. Would both be guilty of manslaughter? On the principle of the present decision, we suppose they would; and yet the bicyclist who did not kill the deceased might have possessed superior skill or a powerful brake, so that if the deceased had crossed his path there would have been no accident. In the same way one or other of the defendants in *Regina* v. *Salmon* might have hit the target every time, so that he could not possibly have done the mischief, and yet he is made responsible for the bad shooting of his companions. We do not say this is not the case, according to the somewhat severe law of responsibility for the acts of companions in force in England; but the reasoning in *Regina* v. *Salmon* has not persuaded us that it is.—*Law Journal.*