whole, whether you think that is too much or too little."

The jury found a verdict for the plaintiff for £16,000 damages. The Common Pleas Division refused a rule for a new trial.

Serjt. *Ballantine* (*J. Brown, Q. C.*, and *Dugdale* with him), on behalf of the defendants, moved in the Court of Appeal for a rule *nisi* for a new trial on the ground of misdirection, and also on the ground that the damages were excessive. The defendants, when they entered into the contract of carriage with the plaintiff, had no knowledge, and no means of knowing, that he was earning a large income by the practice of his profession. Therefore the jury ought not to have been directed to take into account the plaintiff's professional income in assessing the damages. That head of damage was not in the contemplation of the parties when they entered into the contract, and was too remote. *Hadley* v. *Baxendale*, 9 Ex. 341. The principle laid down in that case ought to be applied to contracts for the carriage of passengers by railway. See Mayne on Damages, p. 19; *Hobbs* v. *London & South-Western Railway Co.*, 32 L. T. Rep. (N. S.) 252; L. Rep., 10 Q. B. 111.

The fact that the plaintiff had a large private income independently of his professional earnings ought to have been taken into account. At any rate, in calculating the amount of the plaintiff's professional income, the special fees which he received ought not to have been included. They are too uncertain to be counted as forming part of his regular income.

[To be concluded in next issue.]

GENERAL NOTES.

MURDER UNDER PECULIAR CIRCUMSTANCES.—A quaint piece of criminal law was disintered at the recent Maidstone Assizes. A man and his wife, after drinking heavily for eight days, threw themselves into a river, no doubt intending, so far as they were capable of forming an intention, to commit suicide together. The husband was drowned, but the wife escaped, and she was thereupon charged with the murder of her husband. In the beginning of the seventeenth century the judges were perplexed with a similar case (Anon., Moore, 754). A man and his wife, "*ayant long temps vive incontinent*," were in great distress. The husband said to the wife, "I am weary of life and will destroy myself," upon which the wife replied, "If you do, I will too," and thereupon the husband mixed poison with some drink, of which both partook. The husband died, but the wife recovered. According to Moore, the question whether the wife was guilty of murder was considered, but he does not give the decision. Mr. Justice Pattison, however (8 C. & P., 418), evidently referring to this case, says that the wife was acquitted on the ground that she was under the control of her husband. In 1823, in a case (*R.* v *Dyson*, R. & R., 523), where the wife was drowned and the husband escaped, it was held by nine judges that, "if the deceased threw herself into the water by the arrangement of the prisoner, and because she thought he had set her the example, in pursuance of the previous agreement, he was a principal in the second degree, and was guilty of murder;" and in a subsequent case of *R.* v. *Alison* (8 C. & P., 418), Mr. Justice Pattison told the jury that "supposing the parties mutually agreed to commit suicide, and one only accomplished that object, the survivor would be guilty of murder in point of law." Following these authorities in the recent case, the Lord Chief Justice, in summing up, told the jury that they must take the law to be that if two persons agreed together to commit self-murder, and one of them survived, the survivor was guilty of murder. Happily, however, it was not necessary to put this doctrine into practical application, as the jury seem to have thought that the parties were not in a condition to form a definite intention to commit suicide, and consequently found the woman not guilty.—*Solicitors Journal.*

CRIMINAL LAW—DISOBEDIENCE OF INSTRUCTIONS BY AGENT.—Defendant, who was a dealer in drugs and medicines, left his brother's wife in charge of his store, and forbade her to sell liquor in quantities less than a gallon, except for medicinal purposes. This instruction was disobeyed, and defendant was indicted. *Held*, that the maxim "*qui facit per alium facit per se*" is applicable in criminal cases only when the instructions are obeyed. Had the wife, who made the sale, followed the instructions of her principal, no offence would have been committed. It was her independent act, therefore, which resulted in a violation of the law, and for this the defendant is in no way responsible. —*State* v. *Baker*, Supreme Court, Missouri, May 26, 1880.