THE TRIAL OF ACCESSORIES.

Writs of error are now very rare, but that of *Richards* v. *Reginam*, argued on March 3, shows that they are occasionally necessary for regularity, if not for justice. Richards had been tried with one Jones at Cardiff Assizes before Mr. Justice Mathew for murder. The jury, under the direction of the judge, returned a verdict of manslaughter against Jones, and of being accessory after the fact thereto against Richards; the judge seems neither to have accepted any motion in arrest of judgment nor to have assented to the grant of a special case. This is the more remarkable because we understand that there was no evidence of any act by Richards, after the death of the person said to have been murdered, which could justify conviction as an accessory *after* the fact. Even to a tyro in criminal law and procedure it would be obvious that some statutory authority would be necessary to authorize trial for one felony and conviction of another, except in cases where the verdict while negativing some parts of the indictment amounted to a finding in the terms of so much of the indictment as amounted to a substantive felony. And the procedure of the learned judge, if prophetic as to reform in criminal pleading, savoured of the mercantile irregularities of the Commercial Court rather than the stricter methods of the administration of criminal justice. The result was that the Attorney-General issued his fiat for a writ of error, and felt constrained himself to appear and confess that he could not argue in favour of the procedure at the trial. And this is abundantly clear both on principle and on the authorities. Section 3 of the Accessories and Abettors Act, 1861, permits the indictment and conviction of an accessory after the fact (1) as such with or after the principal felon, or (2) as for a substantive felony irrespective of the trial or conviction of the principal felon. Neither this section nor sections 6, 7, authorises the trial or conviction of the accessory with the principal felon, unless words are included in the indictment charging him as accessory after the fact; and the authorities recognize this to be the case, for in *Regina* v. *Fallon*, 32 Law J. Rep. M. C. 66, it was distinctly decided that a man could not be convicted as accessory after the fact when indicted as a principal felon, and in *Regina* v. *Brannon*, 14 Cox, 394, that the same man cannot be tried at the same time as a principal offender and as accessory after the fact, and that where the