

2. COMMON INTENTION BY SEVERAL PERSONS.—If several persons form a common intention to prosecute any unlawful purpose, and to assist each other therein, each of them is a party to every offence committed by any one of them in the prosecution of such common purpose, the commission of which offence was, or ought to have been known to be, a probable consequence of the prosecution of such common purpose. 55-56 V., c. 29, s. 61.

This and preceding section abolish the common law distinction between principals and accessories before the fact. All are now principals, whether or not they are actual perpetrators of the crime.

See section 269 as to aiding and abetting suicide. See a collection of cases on the subject of principals and accessories in *R. v. Jordan*, Warb. Lead. Cas. 2 and *R. v. Manning*, *ib.* 7.

Three men on trial for burglary were being conveyed to the court house in a cab when a person unknown threw a parcel through the window containing revolvers, which were seized by the men and a struggle ensued resulting in the death of a constable. One of the men being indicted for murder, was convicted, the court holding that the shooting of the constable was committed in the prosecution of the unlawful purpose of escaping from custody, and each was liable for the acts of the others: *R. v. Rice*, 4 O. L. R. 223, 1 O. W. R. 394, 22 Occ. N. 225, 355, 32 S. C. R. 480.

The lessor of a house who knows of the intention of lessee to use it as a common bawdy house, aids the latter to commit an indictable offence and may be convicted as a principal under sub-sec. 2: *R. v. Roy* (1900), 3 Can. C. C. 472, Q. R. 9 Q. B. 312.

Principal and accessory—Fraudulent appropriation by principal and fraudulent receiving by accessory at same time: *McIntosh v. R.*, 23 S. C. R. 180.

A person "aids and abets" when with a guilty knowledge he assists a thief in concealing money, although he took no part in the theft itself: *R. v. Campbell* (1889), 2 Can. C. C. 357.

Forgery—Accessory after the fact—Complicity with other forgeries and association with principal: *R. v. Bent*, 10 O. R. 557.

Betting—Stakeholder—Betters accessories: *Walsh v. Trebilcock*, 23 S. C. R. 695.

A mere broker for two parties, one the buyer and the other the seller, without having any interest in a transaction other than his commission and without knowledge of the intention of the parties to gamble in stocks, is not guilty of being an accessory under this section: *R. v. Doid* (1896) R. J. Q. 17, S. C. 67.

Abetting—Planning crime for others to commit: *R. v. Esmonde*, 26 U. C. R. 152; 18 Occ. N. 424; 12 Man. L. R. 319; 2 Can. C. C. 350.

An actual aider and abettor of a theft cannot be convicted of having subsequently received the stolen goods: *R. v. Hodges* (1898) 2 Can. C. C. 350; *R. v. Perkins* (1852), 2 Denison's C. C. 459; *R. v. Evans* (1856), 7 Cox C. C. 151.

Assisting to conceal stolen property—Liability as principal: *R. v. Campbell*, Q. R. 8 Q. B. 322.

Common criminal intent and actual participation must be shown to convict abettor as principal: *R. v. Graham* (1898), Q. R. 8 Q. B. 169, 2 Can. C. C. 388.

Assisting to conceal stolen property—Liability as principal: *R. v. Campbell*, Q. R. 8 Q. B. 322. Common criminal intention and participation must be shown to convict abettor as principal: *R. v. Graham* (1898), Q. R. 8 Q. B. 169, 2 Can. C. C. 338.