ABSTRACTS OF RECENT ENGLISH CRIMINAL LAW CASES.

Indictment—Amendment.—Where stolen property has been laid in a wrong person, the indictment may be amended, even after the counsel for the prisoner has addressed the jury and closed. (*Reg.* vs. *Rymes*, 3 Car. and Kir. 326, overruled. *Reg.* vs. *Fullarton*, 6 Cox Crim. Cas. 194. (Per Lefroy, C. J., and Monahan, C. J., Ir.)

The Court will not amend an indictment after plea, where, in its amended form, it might be demurrable for generality. *Reg.* vs. *Lallement*, 6 Cox Crim. Cas. 204. (Per Jervis, C. J., and Alderson, B.)

Indictment—Appearance—Special Jury—Practice.—An indictment against eleven persons was removed from the Central Criminal Court into this Court, whereupon two only of the defendants appeared and pleaded, and obtained a rule for a special jury to try the issues joined. Subsequently, the other nine appeared and pleaded, and also obtained a rule for a special jury. Upon an application to discharge the first rule for a special jury, and for proceeding with the second rule in lieu of it: *Held*, that this was the proper practice under the circumstances. *Reg.* vs. *Beresford and Others*, 22 L. T. 262. (Bail C., per Crompton, J.)

Larceny—Chose in Action—Unstamped agreement.—An executory contract in writing which requires a stamp is not, though unstamped, the subject of larceny, as it is merely evidence of a *chose* in action; and a person stealing it cannot be convicted on a count charging him with stealing a piece of paper. (Parke, B., *dissentiente.*) *Reg.* vs. *Mote Watts*, 23 L. J. (M. C.) 56; 22 L. T. 292. (Court of Crim. App.)

Larceny—Master and servant—Account between—It was the prisoner's duty, as bailiff to the prosecutor, to pay and receive moneys. Upon an account rendered of such payments and receipts, it appeared he had charged his master with five payments of 1*l.* 8*s.* instead of 1*l.* 4*s.*, the sums he had actually paid. There was also a similar overcharge of two other amounts: *Held*, that the prisoner was wrongly convicted of larceny, the offence, if any, being that of obtaining money by false pretences. *Reg.* vs. *Abraham Green*, 18 Jur. 158. (Court of Crim. App.)

Larceny—Proof of corpus delicti.—The prisoner was found coming out of a warehouse where a large quantity of pepper was kept, with pepper of a similar quality in his possession. He had no right to be in the warehouse, and, on being discovered, said, "I hope you will not be hard with me," and took some pepper out of his pocket, and threw it upon the

ground. There was no evidence of any pepper having been missed from the bulk: *Held*, that there was sufficient evidence to go to the jury of the *corpus delicti*. (*Reg.* vs. *Dredge*, 1 Cox Crim. Cas. 235, distinguished.) *Reg.* vs. *John Burton*, 18 Jur. 157; 23 L. J. 52 (M. C.). (Court of Crim. App.)

Malicious damage — Destroying tackle prepared for weaving. — The cords employed to raise the "harness," or working tools of a loom, in order to move the shuttle to and fro, constitute "tackle" employed in weaving; and, therefore, cutting them is an offence within the 7 & 8 Geo. 4, c. 30, s. 3, which makes it felony to maliciously cut, break or destroy, or damage with intent to destroy, or to render useless (*inter alia*), any "tackle" or implement, whether fixed or movable, prepared for or employed in carding, spinning, throwing, weaving," &c. Under this statute the maliciously cutting such tackle is a complete offence, and it is unnecessary to aver or prove an intent to destroy or render it useless. *Quære*, whether cutting the "thrum," *i. e.*, the ends of the woollen threads generally left in the machine when a piece of cloth is finished, for the purpose of more readily adjusting the succeeding work, is an offence within the statute? At all events, it does not support a count for maliciously cutting woollen warp; but the fact of cutting the "thrum" may be given in evidence in support of a count for cutting "tackle," in order to show the *animus* of the latter act, and that it was done maliciously. *Reg.* vs. *Smith*, 6 Cox Crim. Cas. 198. (Per Williams, J.)

Perjury—Indictment.—It is not necessary in an indictment for perjury committed before an Inferior Court, to set out all the facts which show the authority of such Court of limited jurisdiction, and it will be sufficient to aver that "the case came on to be tried, in due form of law," before the judge of the Inferior Court, "he having then and there sufficient and competent authority to administer the said oath to the said E. L." (the prisoner). (*Lavey* vs. *The Queen*, 5 Cox Crim. Cas. 529, approved of and acted on.) *Reg.* vs. *Lawlor*, 6 Cox Crim. Cas. 187. (Court of Crim. App., Ir.)

Practice—Relaxation of prison rules—Form of application.—An application on behalf of a prisoner for a relaxation in his favor of the rules of the prison where he is confined, should be brought forward by way of petition, and not as a motion; and will not be heard unless a copy of the rules, properly verified, is before the Court. *Semble*, such applications should not be entertained at all. (Per Crampton, J.) *Reg.* vs. *Wallace*, 6 Cox Crim. Cas. 193. (Q. B., Ir.)