

SYNOPSIS OF RECENT CROWN CASES.¹

Bigamy.—Upon the trial of an indictment for bigamy, it appeared that the prisoner's husband had been absent from her for seven years next preceding the second marriage, and there was no evidence that she knew him to be living at the time of the second marriage. The jury found that they had no evidence of the prisoner's knowledge of her husband being alive, but that they were of opinion she had the means of acquiring that knowledge if she had chosen to make use of them. The Court held, that upon this finding of the jury a conviction could not be supported. *Reg. vs. Briggs*, 2 Jur., N. S., part 1, p. 1195.

Embezzlement.—A conviction for embezzlement was supported upon the following state of facts:—It was the prisoner's duty, when he received moneys on account of his masters, to enter the amount to the credit of the customers in a day-book, to make extracts from this book, and then to enter the whole amount on the credit side of a bankers' deposit account, and to pay in the amount to the credit of his masters with their bankers; he afterwards was to post the amounts in a ledger, which contained the accounts of the different customers. The prisoner received an amount, and appropriated it to his own use. The only entry he had made of this amount was in the ledger, where he had placed it to the credit of the customer. *Reg. vs. Lister*, 2 Jur., N. S., part 1, p. 1124.

The prisoner was employed at a railway station belonging to four different companies. The servants at this station were appointed and paid, and might be dismissed, by a committee of directors of the several companies. It was the prisoner's duty to pay over money received for parcels arriving by the trains of the different companies to the chief clerk, who then paid over such moneys to the cashier of the committee, who kept a separate account for each company, and paid the money over directly to the company to whom it belonged. The prisoner was charged in different counts of an indictment for embezzlement, as being the servant of the particular company whose money he had embezzled, of the four companies, of the committee, and of the station-master. The Court held that at all events he was properly charged as the servant of the four companies. *Reg. vs. Bayley*, 2 Jur., N. S., part 1, p. 1171.

Evidence.—In order to render a declaration by a deceased person admissible in evidence, he must have been, at the time he made it, under apprehension of death; such apprehension, however, need not be of death within

¹ 3 Jur. 279, 280, 291, 292.

a particular time; it must be made under the impression that he is about to die after comparatively a short lapse of time, and under the clear conviction that he will not recover. *Reg. vs. Reany*, 3 Jur., N. S., part 1, p. 191.

False Pretences.—Where the pretence is known to the prosecutor to be false, but he still parts from his money under a desire to entrap the defendant, this is not an obtaining money by false pretences. *Reg. vs. Mills*, 3 Jur., N. S., part 1, p. 447.

We have next to direct the attention of our readers to two most important decisions. We refer to *Reg. vs. Sherwood*, 3 Jur., N. S., part 1, p. 547, and *Reg. vs. Bryan*, 3 Jur., N. S., part 1, p. 620. In the first, the Court, consisting of eleven of the learned justices, unanimously held, that a false representation of the *quantity* of an article sold and delivered is a false pretence within the meaning of the statute. The facts were as follows:—The defendant agreed to deliver a load of coals at a certain price per cwt.; he accordingly delivered a load, to his knowledge weighing 14 cwt. He afterwards falsely and fraudulently represented that the quantity he had delivered weighed 18 cwt., and that he had seen them weighed, and thereby obtained the price of 18 cwt. A conviction upon these facts was upheld. In *Reg. vs. Bryan*, ten of their Lordships (Willes, J., and Bramwell, B., being of a different opinion) held that a false representation of the *quality* of an article, made in the course of a bargain or contract, is not a false pretence within the statute. The defendant had falsely represented that certain plated spoons which he offered in pledge “were of the best quality; that they were equal to Elkington’s A; that the foundation was of the best material; and that they had as much silver on them as Elkington’s A.” By these representations the prosecutors were induced to advance money on the spoons. But the majority of the Court held, that a conviction for obtaining money by false pretences could not be sustained.

Nuisance.—To deposit and keep in a warehouse, situated in a populous district, large and excessive quantities of “wood naphtha,” is a nuisance at common law, although the greatest care may be used in the warehouse to prevent ignition. *Reg. vs. Lister*, 3 Jur., N. S., part 1, p. 570.

Removal of Corpse.—It is a misdemeanor at common law to remove a corpse which has been buried in ground belonging to a congregation of Protestant Dissenters, although the act may have been done from motives of filial affection and religious duty. *Reg. vs. Sharpe*, 3 Jur., N. S., part 1, p. 192.