and therefore they cannot claim to be discharged as of right. The present application is therefore one to discretion; and the fact that one assize has passed over without their being proceeded against, can have no other influence than to induce a somewhat closer examination of the evidence on which the prisoners were committed.

The offence charged involves the lives of the prisoners: and it is not too much to say, that if they are self-convicted of guilt, and have no hope but that the prosecutor may not be able to produce sufficient evidence to satisfy a jury, or that some fortuitous circumstance may save them, they will rather forfeit their bail than their lives. There is a peculiar atrocity attaching to one of the prisoners if he be guilty, which must extinguish any hope that capital punishment will not follow conviction. This consideration must have its proper weight in disposing of the present application.

The inquiry that is of principal importance, then, is, as to the sufficiency of the evidence to establish a case to go to the jury. I certainly am not called upon to express any opinion as to whether the evidence is such that, if believed, it ought to induce the jury to convict. It is going quite far enough to inquire if there be evidence which would sustain a conviction; and I am compelled to say that after going through the depositions, I think they contain a strong *primâ facie* case, though one which, if there be additional evidence, I think ought not to have been tried without it, or until proper efforts to procure it have been made and have failed.

I abstain advisedly from going into a particular consideration of the facts which I think bear against the prisoners. I will go no farther than to say that, as they stand, they afford a presumption of guilt, at least so strong that a grand jury would, in my opinion, find a true bill against the accused. Of the fact of murder having been committed, there can, I apprehend, be no doubt; and I go no farther than to say that there is in my judgment sufficient evidence to put them on their trial.

So far as regards the charge, and the evidence supporting it, I think the application should be refused. I have already observed on the probable result, if the prisoners, knowing themselves to be guilty, should be admitted to bail.

ENGLISH REPORTS.

CROWN CASES RESERVED.

Reg. v. Crab.

False pretences—Inducing persons applying for situations to deposit money as a guarantee for honesty—Pretence of carrying on business as a house agent.

The prisoner was convicted for obtaining money by falsely pretending that he carried on an extensive business as a surveyor and house agent, &c.; and the jury found that he carried on no business whatever. *Held*, that the conviction was right.

[C. C. R. 16 W. R., 732, May 16, 1868.]

Case reserved by the Assistant-Judge of the Middlesex Sessions:—

John Augustus Crab was tried before me on the 27th March, 1868, for having obtained various sums of money from several persons by false pretences, with intent to defraud.

The pretences relied upon were, that he was at the time he obtained the moneys, carrying on an extensive business as a surveyor and house agent, and that he had employment for several clerks to collect rents and assist in the conduct of the said business. By these pretences he induced individuals to deposit sums of money with him as a guarantee of their honesty, and it was proved that he was not carrying on an extensive, or *any* business as a surveyor or house agent, and that he had not any employment for several or any clerks to collect rents, or to assist in the conduct of any business whatever.

The prisoner's counsel declined to address the jury on the facts, and relied on the objection that the above pretences were not in point of law sufficient to sustain a criminal charge. The prisoner was found guilty, and sentence was deferred. He is now in the House of Correction in and for the county of Middlesex, awaiting the decision of this honourable Court upon the above objection.

The question I have to submit to this honourable Court is whether the pretences above set forth are or are not sufficient in point of law to sustain the charge upon which the prisoner was convicted.

[The case as above stated having been called on for argument upon the 25th April, was sent back to the learned judges for amendment, and was now returned by him amended as follows:—]

James Hawkins was induced by an advertisement in the *Times* to see the prisoner, who was found in the occupation of a room in Margaret-street, Cavendish-square, having the appearance of an agency office.

The prisoner said that he was the advertiser, and wanted several clerks to assist in carrying on his business as a surveyor and house agent, that his business was of great extent, and that as the clerks he wished to engage would be entrusted to collect rents to a large amount, he should require the sum of £25 to be deposited with him by each as a security for his honesty.

In consequence of these pretences James Hawkins was induced to hand £25 to the prisoner.

James Cirmichael was induced by the same pretences to give the prisoner £10, and several other witnesses proved that they were about to deposit money with the prisoner under similar circumstances, but that they were prevented doing so by the interference of the police.

It was proved to the satisfaction of the jury that the prisoner was not carrying on the business of a surveyor or house agent; that he had not employment in such trades for any clerks, and that the prisoner's office was open for the sole purpose of defrauding persons invited to it by the advertisement published by the prisoner.

The prisoner's counsel contended that the pretences used were only exaggerated representations of the extent of his business, but as the jury found that he was not carrying on any business whatever I thought the pretences were such as would support the charge against him.

M. Williams, for the prisoner, said that in a case similar to the present, tried before Byles J., at the last Kingston Assizes, his Lordship had said that a false representation by a man of his