

DIARY FOR AUGUST.

1. Tues... *Lammas.*
6. SUN... *8th Sunday after Trinity.*
10. Thurs. *St. Lawrence.*
12. Sat... Articles, &c., to be left with Sec. Law Society.
13. SUN... *9th Sunday after Trinity.*
16. Wed... Last day for service for County Court.
20. SUN... *10th Sunday after Trinity.*
21. Mon... Long Vacation ends.
24. Thurs. *St. Bartholomew.*
26. Sat... Declare for County Court.
27. SUN... *11th Sunday after Trinity.*
28. Mon... Trinity Term begins.

NOTICE.

Owing to the very large demand for the Law Journal and Local Courts' Gazette, subscribers not desiring to take both publications are particularly requested at once to return the back numbers of that one for which they do not wish to subscribe.

The Local Courts'

AND

MUNICIPAL GAZETTE.

AUGUST, 1865.

THE OFFENCE OF CONSPIRACY.

It has been remarked, and not without some reason, that when a criminal act can be brought within no other branch of the criminal law, an indictment for conspiracy may be maintained, so broad is the range of the legal definition of what is included in the term "conspiracy." With the same object we had in view in laying before our readers some brief gleanings on the law of False Pretences, short notes are intended to be set down on the law of Conspiracy.

We premise by stating that which most magistrates know, that conspiracy is not an offence punishable on summary conviction, but, like the other indictable offences, must be sent for trial by a jury at the Quarter Sessions or Assizes.

What is a conspiracy, then? *It is a consultation and agreement between two or more persons, either falsely to charge another with a crime punishable by law, or wrongfully to injure or prejudice a third party or any body of men in any other manner; or to commit any offence punishable by law; or to do any act with intent to pervert the cause of justice, or to effect a legal purpose with a corrupt intent by improper means.*

The law has been thoroughly examined in a number of reported cases in England, and

there have been some cases disposed of in our own courts. It is by brief notes from these several cases we hope to give a clear view of the nature of the offence, and what acts bring a party within it. "It has," remarked the very learned Chief Justice Tindal, "always been held to be the law, that the gist of the offence of conspiracy is the 'base engagement and association to break the law, whether any act be done in pursuance thereof by the conspirators or not.'" But a bare contrivance to commit a civil trespass is not, it has been held, an indictable offence.

It will be noticed that one person alone cannot commit the offence; yet if a conspiracy be formed, and one joins in it afterwards, he is equally guilty with the original conspirators: nor is a prosecution for it maintainable against a man and his wife only as conspirators, because they are esteemed but as one person in law, and the wife of one defendant to an indictment for conspiracy is incompetent as a witness for another defendant. Where two conspire, and one dies, the survivor may still be indicted for the conspiracy.

The first branch of the definition does not require to be much enlarged on: we mean falsely charging another with a crime: thus, where a reward was offered for the apprehension of a robber, and certain persons conspired together to charge a man with being the robber, merely for the corrupt purpose of obtaining the reward for his apprehension, the offence was held to be a conspiracy.

(To be continued.)

INSOLVENCY—CONFLICTING ASSIGNEES.

A much debated point has just been decided in the Court of Chancery under this act, with reference to the respective force and validity of a voluntary assignment made since the act, but not under its provisions, and proceedings under the act for compulsory liquidation.

Sec. 3, 1 (i) of the act provides that a debtor shall be deemed insolvent, and his estate subject to compulsory liquidation, if, amongst other things, he has made any general conveyance or assignment of his property for the benefit of his creditors, otherwise than in the manner prescribed by the act. This provision was generally considered (and it was so held in *Hogge's* case by the learned judge of the County Court of York and Peel) not to apply to assignments made previous to the time the Insolvent Act came into force, and which