

THE QUEEN vs. JOSEPH CHASSON.

the charge of having been guilty of riot and robbery. I am unable to discover any case where such evidence has been held admissible. The charge here against the prisoner is, that he, acting in concert with others, and to resist the constables, Gifford was by some one shot on the 27th January. The evidence given was to shew that he had, with some others, been guilty of riot on the 15th January, and, therefore, had notice the constables were coming to arrest him. In *The Queen v. Odily* (20 L. J. Rep. N. S., M. C. 198; 15 Jurist 517), on the trial of an indictment for stealing cloth from a certain mill, and for receiving the same, knowing it to have been stolen, evidence was admitted that, previous to the larceny of the cloth mentioned in the indictment, the prisoner had been in possession of other cloth which had been stolen from another mill, the property of different owners. But it was held inadmissible, and the conviction quashed. Lord CAMPBELL, C. J., says: "In the French Courts the case against an accused person is often commenced by evidence that he had previously committed offences of the same sort as that which forms the subject of inquiry. But that is not the practice of our law." In cases of uttering forged notes, knowing them to be forged, and of receiving stolen goods, known to be stolen, it is the constant practice to give evidence of utterings and of other receivings, with a view of showing a guilty knowledge; and in the case of *Reg. v. Pake* (R. & R. C. C. 531), it was held by the twelve Judges, that if, upon an indictment for maliciously shooting, it be questionable whether the shooting was by accident or design, evidence may be given that the prisoner at another time intentionally shot at the same person; and in the case of *Reg. v. Clewes* (4 C. & P. 221), referred to by the Attorney General, the prisoner was indicted for the murder of Hemmings, and it was opened that great enmity between Mr. Parker and his parishioners, and the prisoner had used expressions of enmity against Mr. Parker, and had said he would give £50 to have him shot, and that Mr. Parker was shot by Hemmings, and that the persons who had employed Hemmings to shoot Parker, fearing that they should be discovered as having hired him to shoot Parker, murdered Hemmings, and that Hemmings' bones had been found in a barn occupied by the prisoner. Evidence was given of the declaration of the prisoner, shewing that he entertained malice against Parker, and it was proposed to shew that Hemmings was the person by whom Parker had been murdered. It was objected that this evidence as to the murder of Mr. Parker was not receivable; but Mr. Justice LITTLEDALE said: "I think I must receive the evidence on the part of the prosecution. It is put thus: that the prisoner and others employed Hemmings to shoot Mr. Parker, and that he being detected, the prisoner and others then murdered Hemmings to prevent a discovery of their own guilt."