

tain implements of house-breaking in his possession, without lawful excuse. On the trial, at the Middlesex Sessions, in October last, the prisoner was found guilty of the possession, but the jury found there was no evidence of an intent to commit a felony, whereupon the point was reserved, whether the conviction was valid.

*Huddleston* for the prosecution.

The *Court* said, the conviction must be confirmed.

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*Regina v. Garret.* Nov. 26, 1853.

INDICTMENT FOR OBTAINING MONEY UNDER FALSE PRETENCES.

*The prisoner had altered a letter of credit for 210l. on the Union Bank of London into 5,210l., and had obtained in St. Petersburg 1,200l., giving a cheque for such sum on the English bank to the firm at St. Petersburg, who presented the cheque, which was dishonoured. Held, reversing a conviction that the prisoner could not be indicted for attempting to obtain moneys under false pretences under 7 & 8 Geo. 4, c. 29, s. 53.*

It appeared on this indictment for attempting to obtain moneys under false pretences, that the prisoner had obtained a circular letter of credit from Messrs. Duncan & Co., of New York, for 210l., on their correspondents, the Union Bank of London, and that he had altered the sum to 5,210l. The prisoner had obtained certain sums of money from Messrs. Wilson & Co., at St. Petersburg, and had given them a cheque for 1,200l. on the Union Bank, but which was dishonoured on presentation, and on the prisoner's coming to this country, he was indicted in respect of such cheque. On the trial, before *Parke, B.*, the jury returned a verdict of guilty, subject to this point reserved.

*Byles, S. L.*, and *Robinson*, for the prisoner, citing the 7 & 8 Geo. 4, c. 29, s. 63, and *Rex v. Wavell*, 1 Mood, 224.

*Huddleston* in support of the conviction.

The *Court* said, even if the cheque had been duly honoured, the prisoner could not have been indicted for obtaining money under false pretences, as the obtaining within the meaning of the Statute contemplated an obtaining according to the wishes or in order to gain some advantage. But in the present case the prisoner had obtained his object on receiving the money in St. Petersburg, and no advantage could arise to him from the cheque being honoured, but on the contrary, it was more to his advantage if it had been destroyed. Although, therefore, there had been a gross fraud, there was no obtaining of money under false pretences within the Statute, and the conviction must be reversed.

• Which is follows :—“Whereas a failure of justice frequently arises from the subtle distinction between larceny and fraud; for remedy thereof, be it enacted, that if any person shall by any false pretence obtain from any other person any chattel, money, or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a misdemeanor.”