

The *Court* said, that as there was evidence to show the word "Sirs" was intended by the prisoner to mean the bankers to whom the order had been presented, the omission of its being addressed to them would not prevent it from being an order for the payment of money, and the conviction must be affirmed.*

Regina v. Stone. Nov. 19, 1853.

PERJURY ASSIGNED ON AFFIDAVIT IN ADMIRALTY COURT SWORN BEFORE MASTER-EXTRA, IN CHANCERY.—JURISDICTION.

Held, that a *Master-extra*, in *Chancery* has not such jurisdiction to take affidavits in the *Court of Admiralty* as to support an indictment for perjury thereon, and a conviction was reserved.

This was a point reserved for the opinion of this *Court*, on an indictment for wilful and corrupt perjury in an affidavit in the *Court of Admiralty*, in a salvage case. It appeared on the trial before *Erle, J.*, at the last *York assizes*, that the affidavit was sworn before a *Master-extra* in *Chancery*, and that it was the practice of the *Court of Admiralty* to receive affidavits so sworn. The Defendant was convicted, subject to this point reserved.

Cross for the Defendant.

F. Perronet Thompson and *W. Digby Seymour*, in support of the conviction.

The *Court* said, that a *Master-extra* had no authority to administer the oath in the *Admiralty Court*, and that the fact of such affidavits being acted on in that *Court* did not confer the authority. Although, therefore, the offence might amount to a misdemeanor for attempting to impose on the *Admiralty Court*, it was not perjury, and the conviction was accordingly reversed.

Regina v. Bailey. Nov. 19, 1853.

INDICTMENT FOR POSSESSION OF HOUSE-BREAKING IMPLEMENTS.—EVIDENCE OF INTENTION TO COMMIT FELONY.

A prisoner was indicted under the 14 & 15 Vict. c. 19, of having been found at 12 o'clock at night with implements of house-breaking in his possession without lawful excuse. There was no evidence of an intention to commit a felony. The conviction was confirmed.

It appeared that the prisoner had been indicted under the 14 & 15 *Vict. c. 19, s. 1,†* of having been found at 12 o'clock at night with cer-

* And see *Regina v. Rogers*, 9 *Car. and P.* 41.

† Which enacts that "if any person shall be found by night having in his possession without lawful excuse (the proof of which excuse shall lie on such person), any" "implement of house-breaking" "shall be guilty of a misdemeanor."