

"cunning" men and women, who claim to have familiar spirits at command, *ad lib.*, are too old-fashioned, or not sufficiently wide awake to cheat people after a legal fashion, particularly in some of the more remote parts of the old country, where they are not so civilized in this respect as we are.

In some of these places witchcraft, in its ancient potency, appears to be considered still to exist; and there is a curious instance of this in the case of *The Queen v. Maria Giles*, reported in 13 W. R. 327. The prisoner was indicted for obtaining money under false pretences, under the following circumstances: One Henry Fisher deserted his wife, of which the prisoner was made aware. Desiring to turn an honest penny by this incident in the married life of Mr. and Mrs. Fisher, or perhaps moved by the distress of the wife, and possibly duped by her own folly, the prisoner represented to the wife that she could bring her husband back, "over hedges and ditches," by means of some stuff she had in her possession. It was proved that the wife asked the prisoner to tell her a few words by the cards, to fetch her husband back; that the prisoner asked her how much money she had; that, when she said sixpence, the prisoner said that that would not be enough, whereupon the wife gave her another sixpence; that she said her price was high—it was five shillings; that she asked the wife if she had a clock at home, and if she had anything on that she could leave; that the wife said she had on a petticoat, but it was old; that the prisoner said that it was of no use; that the wife said she had two frocks on, and at the request of the prisoner she left one with her; and that after the prisoner had got the money, she said she *could* bring the husband back, having previously said she *would* bring him back. The jury found a verdict of guilty, but the case was reserved for the opinion of the court.

Chief Justice Erle, in giving judgment, said, that a pretence of power, whether physical, moral or supernatural, made with intent to obtain money, is within the mischief intended to be guarded against by this branch of the law, and that the indictment was good. He also considered that there was sufficient evidence to sustain the conviction. "I take the law to be," said he, "that a pretence, within the statute, must be of a present or past fact, and that a promissory pretence that I will do something is not sufficient. The question is,

was there a pretence of an existing fact, viz., a pretence before and at the time when the money was obtained, that the prisoner had power to bring back the husband? * * * I think, looking at the whole transaction, that she intended to pretend to the wife that at that time she had power to bring her husband back. I think that there was evidence to go to the jury that the prisoner was a fraudulent impostor, and that she ought to be convicted."

How much more circumspectly would the Davenport Brothers or "Professor" Simmons have managed matters, and escaped the clutches of the law! But, as we before remarked, this old woman is behind the age.

FALSE PRETENCES.

In the books to which magistrates generally have access, there is very little said in relation to the crime of obtaining money or property by means of false pretence; and it has been suggested to us that brief notes of some of the leading cases on this branch of the law, would be acceptable to many of our readers. The enactments on the subject are in substance as follows:

If any person, by any false pretence, obtains, from any other person any chattel, money or valuable security, with intent to cheat or defraud any person of the same.

If any person, by any false pretence, obtains the signature of any other person to any bill of exchange or any valuable security, with intent to defraud or cheat.

If any person obtains any property whatever, with intent to defraud.

If any person, by means of any false ticket or order, or of any other ticket or order, fraudulently and wilfully obtains or attempts to obtain any passage on any railway, or in any steamer or other vessel, each and every such offender is guilty of a misdemeanor, the punishment varying from fourteen years in the Penitentiary to five years imprisonment in the common gaol.

Now all these offences are cognizable before a magistrate for preliminary enquiry; that is, he cannot fine or imprison, but may send the case to the Quarter Sessions or Assizes. We think it necessary to mention this, as one communication we have received seems to suppose that a magistrate could summarily convict for such offence. This is not the case.

The decisions on this branch of the law, will show that fraudulent practices cannot be