

dition of persons convicted, charged that the prisoner forged the signature of "T. King, rector of T." The evidence was, that the name forged by the prisoner was "T. Knox, rector of T." The Judge having given leave to amend, by substituting "Knox" for "King;" Held, that there was no fatal variance on the ground of its appearing in evidence that T. Knox was in fact rector of A., and that there was no such parish as that of T. Held, also, that proof of the document which contained the false recommendation being in the prisoner's hand-writing, and dated in the county in which the venue was laid, was sufficient evidence of acts done in that county. *Rex v. Dwyer.* 198

VENUE.

See ABDUCTION.

WARRANT.

See MANSLAUGHTER, 2.

WEIGHTS AND MEASURES.

Held, that the 6th and 7th sections of 4 & 5 Wm. IV. c. 49, (weights and measures,) were imperative. *Kildare Presentment.* 174

WHITEBOY.

1. An indictment under the 27th Geo. III. c. 15, s. 10, will be sustained by evidence of supplying ammunition to a person who only pretended to get it for the use of the Whiteboys. *Rex v. Heffernan.* 2
2. An indictment under the Whiteboy Act for an injury to a gatehouse, stating it to be the "dwelling-house and habitation" of the gatekeeper, is sufficient. *Rex v. Cahill.* 36
3. Evidence to support an indictment under the Whiteboy Act. *Rex v. Carroll.* 78

It is not necessary to prove, by distinct evidence, that the country was in a state of disturbance, if the crime itself be clearly a Whiteboy offence, as the circumstances attending it

may demonstrate the country to be in such a state. *Ibid.*

4. An indictment, charging that the prisoner did, "by threats and menaces, threaten violence to the person of one J. G. in the event of his not taking back into his employment a certain man whom he had then lately before discharged from his service," is bad. Such an indictment, supposing it were good, is not supported by evidence that J. G. was agent to another person, and hired servants to be employed about the work of that person, which J. G. superintended; and that the discharge of one of these servants was the occasion of the threats stated in the indictment. *Rex v. Flannery.* 243

See RIOT.

WITNESS.

1. A man jointly indicted with others, and who has pleaded not guilty, cannot be a witness for the prosecution, whilst his plea stands. *Rex v. Ryan.* 5
2. The prosecutor's wife is a competent witness for the defence. *Rex v. Houlton.* 24
3. It is no objection to the testimony of a wife, that she is brought to contradict the testimony of her husband. *Ibid.*
4. Where a witness was called by the Crown, and the Crown declined to examine him, but permitted him to be cross examined, and then re-examined him, and then produced his depositions to show that what he had therein stated varied from his evidence at the trial; Held, that a conviction under these circumstances was wrong. *Rex v. Moran.* 91
5. Where a witness, after having been examined for the prosecution, fainted shortly after the commencement of his cross-examination, so as to render it impossible for him to give any further evidence; held, by seven Judges against five, that a conviction