

PUBLIC TASTE IN HUMBUGS.

bear them. Such a course is unfair to the Judges; and it is both unfair and unjust to the public, whose servants they are. It is contrary to public policy, and tends to the injury of public business. It never seems to strike our law-makers that, in the ordinary business of life, increased remuneration goes hand-in-hand with increased labours and responsibilities; but, according to the practice now in vogue, whenever anything in the shape of local administration has to be done, County Judges are to be the doers of it, and—get nothing for it. Their duties under the Insolvent Act of 1864, is a sufficient example of this, without going further.

We have long been expecting a change for the better in this respect; and though it is long in coming, come it must; and we shall continue, as heretofore, to condemn a practice which we consider most pernicious.

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It has been said that the world is made up of knaves and fools—those that impose upon others, and those that are imposed upon. Mankind loves to be humbugged, and is humbugged accordingly. Every age has had its own peculiar species of vanity in this respect. In the good old times, the credulous public had wizards, witches, magicians, astrologers and such like; in these enlightened days we indulge in spiritualists, table-turners, electrobiologists, prestidigitators, clairvoyants, &c., according as fashion, fancy, or a clever humbug may lead the public taste.

The law does not trouble itself much about harmless nonsense of this kind, but leaves every one to please himself or herself as to the manner in which he or she will be cheated or humbugged. Occasionally, however, these “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 pre-

tences, 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