

*Regina v. Carlisle and another.* April 29, 1854

INDICTMENT.—FALSE REPRESENTATIONS.

*S. had sold a horse to the prisoner B. for 39*l.*, but had been induced by him and the other prisoner C. to take a less sum by falsely representing the horse to be unsound, and that B. had consequently sold it for 27*l.* A conviction for such offence was affirmed.*

It appeared from this indictment that a Mr. Simpson had sold a horse to the prisoner Brown for 39*l.*, but that he and the other prisoner Carlisle had induced Mr. Simpson to take a less sum by falsely representing the horse to be unsound, and that Brown had in consequence sold it for 27*l.* The prisoners were convicted.

*Whigham* now contended the indictment did not disclose any offence.

The *Court*, however, held, that the conviction must be affirmed.

*Regina v. Harris.* April 29, 1854.

INDICTMENT FOR EMBEZZLEMENT.—MONEY NOT RECEIVED AS SERVANT OF PROSECUTOR.

*A prisoner was appointed by the Magistrates miller in the county gaol, and was paid weekly out of the county rates. It was his duty to take tickets from persons bringing grain to be ground, and to receive money for the same. It appeared he had ground grain without a ticket, and had not accounted for the money received. On an indictment against him as servant of the inhabitants, or of the clerk of the peace, for the embezzlement of their money: Held, that the conviction could not be supported.*

This was an indictment against the Defendant as servant of the inhabitants of the county of Worcester, or of the clerk of the peace, for the embezzlement of their money. It appeared that the prisoner was appointed by the Magistrates miller in the county gaol, and was paid weekly out of the county rates, and that it was his duty to take tickets from persons bringing grain to be ground and to receive money for the same, and that he had not accounted for moneys received for grinding grain taken in without ticket.

*Selfe* in support of the conviction.

The *Court* said, that the prisoner had taken in grain without ticket, showing his intention to make an improper use, and for his own benefit, of the machine intrusted to him. He had, however, no right on behalf of his master to grind any corn except such as was brought to him with a ticket, and the money was therefore not received on his master's account, and the conviction for embezzlement must be quashed.