

imperils its proper decision. They are apt to treat the matter from the point of view of common sense and convenience rather than law, and support one another in so doing. They become less a forum than an assembly of gentlemen settling among themselves what is right and wrong."

In this connection it may be noticed that if there be the *animo furandi* at the time of acquiring possession, the fact that the owner willingly hands over the chattel to the accused is no defence if the transfer has been brought about by some deception. A good example of this kind of larceny was recently decided in the Supreme Court of Michigan, in *People v. Shaw*, where the facts were as follows:—

S. introduced himself to B. as a traveler for a tea-dealing firm in Cincinnati, and told him that one of the means used for getting custom in a new place was offering purchasers a chance, by drawing cards, to get fifty pounds free, in addition to the purchase, if they drew the winning card. In order to carry out the scheme, he wanted B. to accompany him, and showed him how to draw the lucky card, by a little dot on the back. While they were practicing, and B. succeeded each time in drawing the card, J., a confederate of S., came up, appearing to be a stranger, and inquired what they were doing, and S. told him he would show him, and gave him the same explanation as to the mode of selling tea, but did not tell him about the marked cards. S., after some talk, said that B. could draw the fifty-pound card. J. offered to bet \$100 that he could not, and held out to S. what seemed to be a roll of bills. S. said he had not the money, but had a \$300 check. J. said he did not want the check; he wanted the money. S. asked B. if he had it. B. said he had not \$100, but had \$80. B., at S.'s request, handed him the \$80, and S. whispered to him to draw the marked card. He drew it, and it was a blank, and S. at once handed the money to J. *Held*, larceny.