

C. 145 and other cases. 3rd. Where a crime not charged in the indictment is not the cause or part of and has no connexion whatever with the crime charged in the indictment, except as showing by the first a practice of the wrongdoer in committing such crimes as charged in the second, and thereby to raise a presumption of guilty knowledge or motive in it, as in cases of forgery, and uttering base coin, other forgeries and other utterings, no way connected with the crime charged, may be shown as proving a course of dealing or practice in the accused of committing such crimes, and thereby raising a presumption of his guilty knowledge or purpose in the crime charged, as also in the late case of *Reg. v. Francis*, (Law Rep. 2 Crown cases reserved, 128), where a prisoner was charged in two counts of the indictment with attempts to obtain money upon false pretences, from one Walters and one Dyer, pawnbrokers, respectively, by offering a ring which he represented to be a diamond ring, whereas the stones were only crystals. The prisoner's defence was that he did not know the ring was false, having been employed by one Roberts to pawn the ring for him upon his representation that it was a diamond ring and prisoner believing the assertion to be true. After proving the respective charges in the indictment, in order to shew guilty knowledge in the prisoner, evidence was proposed that the prisoner two days before had offered other false articles to other pawnbrokers: namely, to one Lazenby, a chain representing it to be gold while it was not, and to one Stowe, and to one Taylor, respectively, a watch and a cluster ring which was not a cluster ring. The evidence was received, the point reserved, the prisoner convicted and after argument upon appeal Lord Chief Justice COLERIDGE in delivering the judgment of the Court and approving such evidence said: "It seems, clear upon principle that when the fact of the prisoner having done the thing charged is proved, and the only remaining question is whether at the time he did it he had guilty knowledge of the quality of his act or acted under a mistake, evidence of the class received must be admissible. It tends to shew that he was pursuing a course of similar acts, and thereby raises a presumption that he was not acting under a mistake." This case fully affirms the Crown counsel's views, the judgment at the trial, and Judge WETMORE's opinion in the judgment of the Supreme Court, but overthrows the reversing judgment of the Chief Justice, especially, as intimating that the felonies shown must be all parts of the same transaction. See also the case before HOLBORN, J., confirmed by all the Judges, *Reg. v. Egerton*, 6 B. & C. 148. Therefore, by the strictest rules of law and evidence there is nothing in the foregoing objections to warrant the reversing of the judgment given at the trial, nor to quash the convictions.