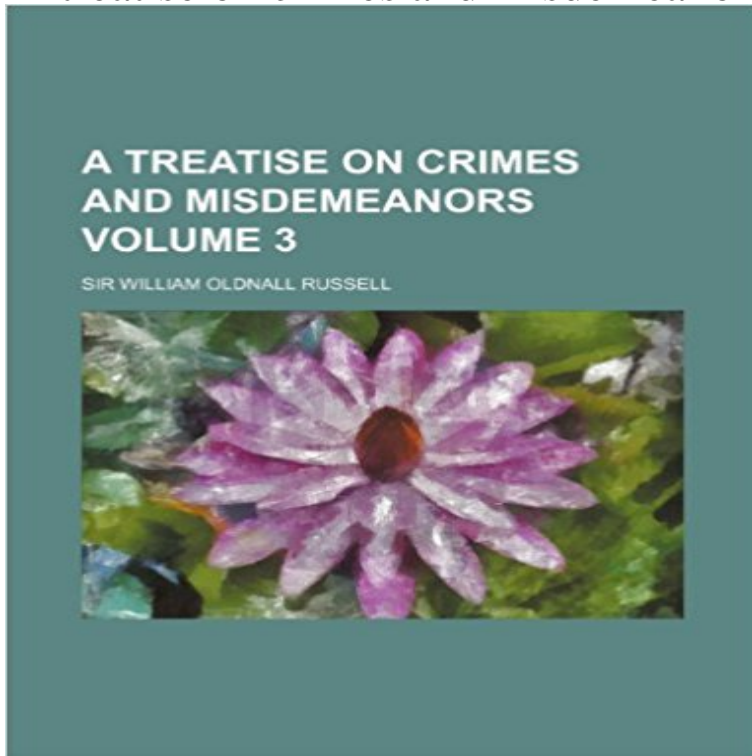


A treatise on crimes and misdemeanors Volume 3



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1877 edition. Excerpt: ...the broker he wanted the silk to manufacture into the particular article referred to. He told him also to purchase it at the lowest price. Did the broker then make the communication to Fordati as the prisoners agent? If so, the prisoner would be liable as far as that representation went. But you must remember that the only specific direction given to the broker was to rMQ get the silk as cheap aa he could. Now, to let the dealer know that, it was required for a particular purpose was not the way to induce him to lower his price. That is important in ascertaining the intention of the prisoner with regard to the course the broker should pursue. Then, if you think the representation of the broker was virtually the representation of the prisoner, the next question will be, whether, at the time he authorized the broker to purchase, he did not mean to make use ofthe goods in his manufacture, but intended to get them into his possession that he might pledge them. If that was his object, we, think the case is within the statute; but then he must have intended not to use the goods in his business at the very moment he gave the directions to the broker. As to this point, it is important to remember that they were pledged within two days of their receipt, and for a sum very considerably below their value. Substantially, then, did the prisoner authorize the statement made by the broker to Fordati, that he wanted the goods to employ them in his business; and, if so, did he at the time he gave the order, intend otherwise to dispose of them?(z) Upon an indictment on 5 Geo. 2, c. 30, qualified by 1 Geo. 4, c. 115, s. 1. against a bankrupt for concealing his effects, where the evidence was that the prisoner, on his

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