

Having regard to these considerations, it seems to me that the delivery of the iron by the company subsequent to the commencement of the liquidation gave rise to a debt due to them in a new capacity and interest, and that such a debt is not liable to a set-off of a debt incurred by nominally the same company when it was carrying on its business independently and for its own benefit. The judgment will be for the plaintiffs for 216*l.* 18*s.*

1882

INCE HALL
ROLLING
MILLS CO.
v.
DOUGLAS
FORGE CO.

Judgment for plaintiffs.

Solicitors for plaintiffs: *Sharpe, Parkers, Pritchard, & Sharpe, for Peace, Ackerley, & Co.*

Solicitors for defendants: *J. J. & C. J. Allen, for J. H. Gregory.*

E. L.

[CROWN CASE RESERVED.]

REG. v. LOVELL.

1881

March 5.

Larceny—Money demanded with Menaces.

The prosecutrix gave L., a travelling grinder, six knives to grind for her, the ordinary charge for grinding which would be 1*s.* 3*d.* L. ground the knives, and then demanded with threats 5*s.* 6*d.* as his charge from the prosecutrix. The prosecutrix, being thus frightened, in consequence of her fears paid L. the sum demanded.

The jury found that the money was obtained by menaces, and convicted L. of larceny:—

Held by the Court (Lord Coleridge, C.J., Lindley, Hawkins, Lopes, and Bowen, JJ.), that the conviction was right.

Reg. v. M'Grath (L. R. 1 C. C. R. 205), followed.

THE following case was stated for the opinion of this Court by the chairman of the Worcestershire Quarter Sessions:

“The prisoner was tried before me at the last Worcestershire Quarter Sessions, on an indictment which charged him in the first count with stealing the sum of 5*s.* 6*d.*, the property of Eliza Grigg, and in the second count, with demanding with menaces from the said Eliza Grigg, the sum of 5*s.* 6*d.*, with intent to steal the same. The facts were these:—The prisoner was a travelling grinder. He

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ground two pairs of scissors for the prosecutrix, for which he charged her fourpence. She then handed him six knives to grind. He ground them and demanded 5s. 6d. for the work. She refused to pay the amount, on the ground that the charge was excessive. The prisoner then assumed a menacing attitude, kneeling on one knee, and threatened prosecutrix, saying, 'you had better pay me, or it will be worse for you;' and 'I will make you pay.' The prosecutrix was frightened, and in consequence of her fears gave the prisoner the sum demanded. Evidence was given that the trade charge for grinding the six knives would be 1s. 3d.

"It was contended for the prisoner, that, as some money was due, the question rested simply on a quantum meruit, and that there was no larceny or menacing demand with intent to steal.

"I overruled the objection, and directed the jury on the authority of *Reg. v. M'Grath* (1) that if the money was obtained by frightening the owner, the prisoner was guilty of larceny.

"The jury found that the money was obtained from the prosecutrix by menaces, and that the prisoner was guilty.

"I reserved for the consideration of this Court the question whether upon the facts stated he was properly convicted."

No counsel appeared.

PER CURIAM. (2) The conviction in this case was right. *Reg. v. M'Grath* (1) is conclusive of the matter.

(1) Law Rep. 1 C. C. R. 205.

(2) Lord Coleridge, C.J., Lindley, Hawkins, Lopes, and Bowen, JJ.