scribe such cases unless all their facts were in evidence before us. This case we think comes within the broad principle which has been laid down in the two cases to which I have referred.

Then there is the further argument that this evidence was wrongly admitted because of this provision in section 5 (1) of the Criminal Law Amendment Act, 1885, as it has been amended by section 27 of the Prevention of Cruelty to Children Act, 1904 (4 Ed. VII, c. 5), by which it is provided that no prosecution can be commenced under subsection (1) of the section more than three, now six, months after the commission of the offence. The learned counsel for the appellant says that the provision makes the evidence inadmissible, because its effect was to show that an offence was in fact committed before the commencement of the period of six months. This argument is advanced on the assumption that the broad principle we have laid down is correct. We do not think that the provision in this statute affects the admissibility of this evidence. The statute does not say so; it merely says that no prosecution shall be launched after the expiration of the specified period. Take the case put by my brother Avory in the course of the argument. Suppose a letter had been written by the appellant nine months before the offence had been committed which showed that something in the nature of an amatory passion existed between these two persons. Such a letter, it is plain, is admissible on the broad general principle that I have laid down. And it does not cease to be admissible because of the existence of this limitation in the statute for bringing a prosecution. If Denton had been called and had said that he had seen these two persons or had heard them in circumstances which showed that something was taking place in the nature of amatory passion the evidence would be admissible, it is clear, on the principle we have laid down. And it would not cease to be admissible because it showed that the actual offence aimed at by this section was taking place. When we come to analyse the argument step by step it is clear that this evidence was admissible when given in respect of an actual offence that had been committed before the beginning of the limitation period of six months.

We ought to say with regard to Reg. *v.* Beighton (18 Cox C.C. 535), which was a decision of Baron Pollock, that so far as that case contains anything contrary to the principle that the Court has laid down it must be taken as being overruled.

The appeal was dismissed.

[Solicitors: Messrs. Owston, Dickinson, Simpson, and Begg; the Director of Public Prosecutions.]

("Times Law Reports," Vol. xxx, page 196.)

[COURT OF CRIMINAL APPEAL.—(ISAACS, C.J., BRAY AND LUSH, JJ.)—15TH DECEMBER, 1913.]

REX *v.* MURRAY.

Criminal Law — Children — Unsworn Evidence — Requirements of Corroboration — Direction to Jury — Children Act, 1908 (8 Edw. VII, c. 67) s. 30 (a).

Where on a criminal prosecution the prosecutrix is a child of tender years, and evidence is given by her under section 30 of the Children Act, 1908, without being sworn, the Judge ought to point out to the jury that they must not act on the evidence of the child unless it is corroborated.

IN this case the prisoner appealed against a conviction for indecent assault. The case was tried before Mr. Justice Rowlatt at the last Derby Assizes.

Mr. E. P. S. Counsel appeared for the appellant, and Mr. Marshall Freeman for the Crown.

The prosecutrix was a child, aged 5½ years, who gave evidence at the trial under the provisions of the Children Act, 1908, section 30, without being sworn. Certain evidence was given by other witnesses in corroboration of the prosecutrix's story.

Mr. Counsel, on behalf of the appellant, contended that the conviction ought to be quashed on the ground that the learned Judge omitted to point out to the jury in his summing-up that the prisoner could not be convicted on the unsworn testimony of the child unless her evidence was corroborated, as provided by section 30 (*a*) of the Children Act, 1908.

Mr. Marshall Freeman, on behalf of the Crown, submitted that if there was in fact some corroborative evidence it was not essential that the Judge should specially direct the attention of the jury to the provision of the Act.

The Lord Chief Justice, in delivering the judgment of the Court, said that the question was whether the learned Judge at the time had misdirected the jury with reference to the child's evidence. What the learned Judge said was as follows: "The evidence is all what we call circumstantial evidence in law, except the evidence of the little girl, which is quite specific. It must be accepted with very great caution, but it is evidence which has circumstantial evidence to corroborate it in the circumstances to which I have drawn your attention. There it is." It had been urged that the learned Judge ought to have drawn the jury's attention to the statute. The Court certainly thought that that was a direction which should be given in such cases to the jury, and that it ought to be pointed out to the jury that they must not act on the evidence of the child alone, but that there must be corroboration before they are entitled to regard the child's evidence at all. If the Court had come to the conclusion that the jury had acted on the child's evidence alone the conviction would have been quashed, but having regard to all the evidence given it was unbelievable that the jury, without considering any of the corroborative evidence, would have acted on the statement of a little girl of that age. For these reasons the Court were of opinion that the appeal should be dismissed.

[Solicitors—Messrs. Pattinson and Brewer, for Messrs. Flint and Son, Derby; the Director of Public Prosecutions.]

("Times Law Reports," Vol xxx, page 215.)

[JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.—(VISCOUNT HALDANE, L.C., LORD DUNEDIN, LORD ATKINSON, LORD PARKER, AND LORD SUMNER).—18TH DECEMBER, 1913.]

ARMSTRONG *v.* THE KING.

Privy Council—Judicial Committee—Criminal Appeals—Rule of Practice.

The Judicial Committee of the Privy Council is not in the position of a Court of Criminal Appeal, and does not advise the Crown to interfere in a criminal case unless there has been a violation of the principles of natural justice or a gross violation of the rules of procedure.

Special leave to appeal from a conviction for murder refused on the above ground, where it was alleged that the jury had been in communication during the trial with persons who were not their custodians.

THIS was a petition for special leave to appeal *in forma pauperis* from a conviction for murder and sentence of death passed by the Supreme Court of Bermuda.

Mr. Travers Humphreys said that the petitioner was not represented, but he appeared on behalf of the Crown. The trial at Bermuda lasted four days, and the petitioner was convicted of murder and sentenced to death. He sought leave to appeal on the grounds (1) that the members of the jury while detained at a hotel at night during the trial had communication with others than their fellows and custodians, and (2) had an opportunity of reading the local newspapers. The latter ground was unsupported by any evidence at all. As to the other matter, the jury were in charge of officers who had been sworn to see that they did not communicate with persons outside on the subject of the trial. It was not stated what the alleged communications were about, or with whom, or what was their effect.

The Lord Chancellor.—If there was a Court of Criminal Appeal in Bermuda that might be an irregularity which it must take into consideration. This Court is not a Court of Criminal Appeal. This is the King in Council receiving petitions for justice from his subjects. The King never interferes in criminal cases unless there has been a violation of the principles of natural justice or some such gross violation of the ordinary rules of procedure as make the trial virtually a farce. The administration of criminal justice is a local matter, and there is no Court of Appeal from the local judicatures in that respect. It is difficult to see how either of the points raised approaches proof that some substantial injustice has been done.

Mr. Travers Humphreys said, from what could be gathered from the affidavits, a juror's telephone message, which was complained about, only related to some milk from his farm, and the other conversations were merely about music and what they preferred to drink. They did not seem to have discussed the trial at all. In Crippen's case Crippen appealed against his conviction because during the trial a juryman was taken ill and had to be attended by two doctors. It was suggested that that was such a separation of the jury as vitiated the trial, but the Court of Criminal Appeal overruled the objection.

At the close of the argument,

The Lord Chancellor said: Their Lordships entertain no doubt about this case. The Constitution of the Empire does not place them in a position of a Court of Criminal Appeal, and there is no such irregularity alleged here as amounts to that substantial interference with the proper course of justice which is essential if the sovereign authority is to be invoked. The petition therefore fails. The Colonial Office have acted very properly in bringing a case of this kind before the attention of the Board.

[Solicitors—Messrs. Sutton, Ommanney, and Rendall, for the Colonial Office.]