

This statement of the law was approved of by the Court of Criminal Appeal in *The King v. Tate*, [1908] 2 K. B. 680, 21 Cox C. C. 693. In the former report Lord Alverstone, C.J., is reported as saying (p. 681): "I agree that there is no definite rule of law that a prisoner cannot be convicted on the uncorroborated evidence of an accomplice, and probably Cave, J., did not state the law too strongly . . . in *In re Meunier*."

The only qualification the Lord Chief Justice made was that, after quoting the above passage from *In re Meunier*, he proceeded to state as follows: "But I think he ought to have added 'assuming that the jury was cautioned in accordance with the ordinary practice.' In my opinion it is of the highest importance that the jury should be so directed;" and in support of that view he read extracts from Taylor on Evidence, 10th ed., and Russell on Crimes, 6th ed. vol. 3. p. 646. From the report in 21 Cox it may be gathered that the nature of the crime charged, coupled with dissatisfaction with the evidence of the alleged accomplice and the curt direction of the trial Judge to the jury, materially influenced the decision. But it is far from disaffirming the proposition that a conviction may be made upon the uncorroborated testimony of an accomplice. At the utmost it only affirms, in stronger language, perhaps, than previously used, the propriety of the trial Judge cautioning the jury on the point. There is not the least hint of doubt as to the rule that under proper direction a jury may find an accused person guilty upon the uncorroborated evidence of an accomplice.

In neither of the reports of the case of *The King v. Warren*, [1909] 2 Criminal Cases 194, 25 Times L. R. 633, does it appear that *The King v. Tate* was cited to the Court. And there does not appear in the books anything to shew that in the short time which elapsed between the two decisions there had been such a marked change in the rule of law as to justify the statement of Channell, J., that the rule is now quite clear that the evidence of an accomplice must be corroborated.

In *Regina v. Beckwith* (1859). 8 C. P. 274, the Court, sitting under authority of the statute 20 Vict. ch. 61, was called upon to grant a new trial on the ground of misdirection by the trial Judge in charging the jury that they might convict upon the evidence of the accomplice alone. It was held that the failure of the Judge to caution the jury against convicting without corroboration was not a matter of law but of practice; and the rule was discharged, following *Regina v. Stubbs*, 7 Cox C. C. 48. But in doing so, Draper, C.J., said (p. 280): "I think it is to be regretted that there should be an omission to submit his evi-