

The defendant has tried to assail the general reputation of the plaintiff, but not very successfully, two of his own witnesses giving her a good reputation. In any case such evidence could only go in mitigation of damages.

The Court is of opinion that the defendant had no right or privilege to speak as he did, that the language used was calculated to damage plaintiff, and that she is entitled to recover without proof of special damage.

The Court awards her \$50, and costs as in the class of action between \$100 and \$200. *Contrainte* reserved.

*Augé & Lafortune*, for the plaintiff.  
*St. Pierre, Globensky & Poirier*, for the defendant.

The above judgment was unanimously confirmed in *Review*, *Taschereau, Mathieu, Oimet, J.J.*, Nov. 5, 1887.

#### HIGH COURT OF JUSTICE.

*Crown Case Reserved.*

LONDON, April 21, 1888.

REGINA V. OWEN.—(23 Law J.)

*Criminal Law Amendment Act, 1885 (48 & 49 Vict. c. 69), s. 20—Indictment for Indecent Assault—24 & 25 Vict. c. 100, s. 52—Evidence of Person charged with Offence—Conviction for Common Assault.*

Case stated by the deputy-chairman of the Worcestershire sessions.

The defendant was tried on an indictment containing a count for indecent assault, and also a count for common assault. The prosecutrix swore to an indecent assault, but the prisoner tendered himself as a witness under 48 & 49 Vict. c. 69, s. 20, and being sworn admitted that he had put his arms round the prosecutrix, but denied that he had indecently or otherwise assaulted her. The jury convicted the defendant of a common assault, and the only question reserved was whether a defendant, on an indictment for an indecent assault which contains a count for common assault, after such defendant is called as a witness for the defence under 48 & 49 Vict. c. 69, s. 20, can be legally convicted of a common assault.

The COURT (LORD COLERIDGE, C. J., MANISTY, J., HAWKINS, J., MATHEW, J., and SMITH, J.) upheld the conviction.

Conviction affirmed.

*Crown Case Reserved.*

LONDON, April 21, 1888.

REGINA V. WENLAND.

*Criminal Law Amendment Act, 1885 (48 & 49 Vict. c. 69), ss. 4, 9—Carnal Knowledge of Girl under Thirteen—Witness—Child of Tender Years—Evidence not upon Oath—Conviction for Indecent Assault.*

Case reserved by HAWKINS, J.

The prisoner was indicted under section 4 of 48 & 49 Vict. c. 69; for unlawfully and carnally knowing a girl under the age of six years. The prosecutrix gave evidence not upon oath, as provided for by section 4. The jury acquitted the prisoner of the charge under section 4, but found him guilty of an indecent assault under section 9 of the same statute. In the statute there is nothing to make the evidence of the girl admissible without oath upon a simple indictment for indecent assault, and, without the prosecutrix's evidence, the evidence would have been insufficient to justify a conviction. The question was whether, under the circumstances, the conviction could be supported.

No counsel appeared to argue the case.

The COURT (LORD COLERIDGE, C. J., MANISTY, J., HAWKINS, J., MATHEW, J., and SMITH, J.) affirmed the conviction.

Conviction affirmed.

#### RECENT ENGLISH DECISIONS.

##### *Shipping.*

Judgment creditors of shipowners with garnishee orders against the cargo-owners are not entitled to the freight as against the mortgagee, who has taken possession and given notice to the cargo-owners.—*Japp v. Campbell*, 57 Law J. Rep. Q.B. 79.

##### *Insurance, Fire—Arbitration Clause.*

A clause in a policy of insurance against fire providing for an arbitration held a condition precedent to an action and the action