

Full Court.] REX v. FINNESSY. [March 12.

Criminal law—Rape—Aiding and abetting—Specific act of unchastity—Questions as to—Right of prosecutrix to answer, but not companion—No substantial wrong.

On the trial of an indictment for aiding and abetting the commission of rape, the evidence shewed that prior to the commission of the offence the prosecutrix and one B. had been together all the evening and towards morning were for some time in a room in an hotel with the door shut and the gas turned out. On leaving the hotel they were met by the prisoner and another man, when B. was attacked by them. He then left the prosecutrix with them when the offence was committed. The prosecutrix and B. were called as witnesses for the Crown, and on cross-examination they were questioned as to what took place in the said room, which they refused to answer.

Held, that while the prosecutrix could properly be asked the question, as going to her credit, she was not bound to answer; but that it was different as to B; for not only did it go to his credit, but the effect of the answer might be to shew a favourable tendency to the prosecutrix, his mistress, and unfavourable one towards the prisoner in taking her away from him. but it appearing that no substantial wrong or miscarriage was occasioned by such refusal, a conviction was upheld.

E. Mahon, for the prisoner. *Cartwright*, K.C., for the Crown.

HIGH COURT OF JUSTICE.

Boyd, C., Street, J., Mabee, J.] [Jan. 24.

ROBINSON v. ENGLAND.

Costs—Taxation—Appeal—Objections—Solicitor's slip—Setting aside certificate.

Notwithstanding the provision of Rule 774 that the taxing officer's certificate of the result of a taxation of costs shall be final and conclusive as to all matters not objected to in the manner provided by Rules 1182 and 1183, the certificate may in a proper case be set aside in order to allow objections to be carried