

cil (Lords Davey and Lindley and Sir F. North and Sir A. Wilson) held that the payment to the children was a breach of trust and that it was no defence that it was made on the erroneous advice of the applicants' solicitor. That the respondents having accepted and acted upon the applicants' statement as to their rights was no evidence of acquiescence, and although the appellants had acted honestly and reasonably they had not shewn any ground why they "ought fairly to be excused," because they had made no effort to replace the fund or shewn any excuse for not doing so; and moreover, they were not gratuitous trustees and could not throw upon the respondents, who were not in fault, the loss of the fund which they had misapplied in the course of their business. In regard to the latter point, their Lordships say: "The position of a joint stock company which undertakes to perform for reward services it can only perform through its agents, and which has been misled by those agents to misapply a fund under its charge, is widely different from that of a private person acting as a gratuitous trustee. And without saying that the remedial provisions of the section should never be applied to a trustee in the position of the appellants, their Lordships think it is a circumstance to be taken into account."

CRIMINAL LAW—STATUTE EXTENDING TIME FOR PROSECUTION—
RETROSPECTIVE EFFECT OF STATUTE—PROCEDURE.

The King v. Chandra Dharma (1905) 2 K.B. 335 was a prosecution for carnally knowing a girl over thirteen and under sixteen. The offence was committed on July 15, 1904. Under the law then in force the prosecution was required to be commenced within three months. On Oct. 1, 1904, an Act was passed extending the time for commencing prosecutions for such offences to six months from the commission of the offence. The prosecution in this case was not commenced until 27 December, 1904, and it was contended that it was too late, but the Court for Crown Cases Reserved (Lord Alverstone, C.J., and Lawrance, Kennedy, Channell and Phillmore, JJ.) unanimously held that the statute extending the time, merely related to procedure, and therefore was retrospective in its operation, but Channell, J., was of the opinion that if the time limited by the former Act had actually expired when the amending Act came into force, the case would be different, and the amending Act in that case would not have the effect of reviving the right to prosecute for an offence which had become barred.