

age of the girl. The defendant was found guilty, and appealed on the ground of the omission in the indictment of any averment as to the age. The Court of Criminal Appeal (Darling, Phillimore, and Hamilton, JJ.), held that though the omission deprives the prosecution of the benefit of certain statutory presumptions, it does not render the indictment bad, inasmuch as the Criminal Law Amendment Act, 1880, s. 2, which deprives the defendant of the defence of consent where the girl assaulted is under 13, does not thereby create any new offence.

EXTRADITION—HABEAS CORPUS—SECOND ARREST—"TRIAL AND DISCHARGE"—OBTAINING MONEY BY FALSE PRETENCES—CHEATING AT CARDS—EXTRADITION TREATY WITH GERMANY, 1872, ARTS. 2, 4, 15—HABEAS CORPUS ACT (31 CAN. 2, c. 2), s. 6.

*Rex v. Governor of Brixton Prison* (1912) 3 K.B. 424. In this case a German subject had been arrested in India for the purpose of being extradited, on the charge of having obtained money under false pretences; an order for his committal for extradition had been made but, on the prisoner's application, it had been declared to be invalid, and he was ordered to be set at liberty, on the ground that the committing magistrate had refused him an opportunity of adducing evidence in his defence. The prisoner subsequently went to England, where he was again arrested for extradition on the identical charge on which he had been arrested in India and on identical evidence. On the prisoner's behalf it was contended that he could not be again charged with the same offence as that is contrary to the Habeas Corpus Act (1679), s. 6. The magistrate committed him for extradition, and the court (Lord Alverstone, C.J., Darling, and Phillimore, JJ.), held that the proceedings in India did not constitute a trial and discharge of the prisoner within the Habeas Corpus Act, s. 6. The evidence disclosed the commission of an act which, if committed in England, would be a violation of the Gaming Act, 1845, s. 7, and the court held that it constituted evidence upon which the prisoner could properly be charged with obtaining money and goods by false pretences, and that as that crime was within the extradition treaty with Germany an order for his extradition to Germany could be made.

INSURANCE—FLOATING DOCK — "SEAWORTHINESS ADMITTED" — NON-DISCLOSURE OF MATERIAL FACT.

*Cantiere Meccanico Brindisina v. Janson* (1912), 3 K.B. 452. This was an action on a policy of marine insurance, the subject