

complainant answered, "Cassidy did everything to me except cut my throat." Her mother then asked her "what did he do?" And in reply the complainant told her what he had done to her. The mother, on being examined, repeated the question she had put to the complainant as above given and detailed what the complainant said to her in answer to that question. The reception of this evidence of the complainant and her mother was objected to by the prisoner's counsel, but it was admitted by the Judge.

The jury returned a verdict of "guilty," and as the Judge was about to pass sentence upon the prisoner his counsel asked him to reserve the question as to the admissibility of the evidence of the complainant and her mother, to which he had objected, which the Judge refused to do, and sentenced the prisoner to four years in the penitentiary.

Last Hilary Term the prisoner's counsel applied to this Court for leave to appeal from the Judge's refusal to reserve the question, which leave was granted, and a case was stated as to the admissibility of the evidence mentioned, the opinion of this Court being asked whether the rulings of the trial Judge already referred to "are or are not according to law."

Apart from the consideration of the fact that although the objection to the reception of the evidence was taken in the course of the trial, it was only after the verdict that the Judge was asked to reserve the question, and viewing the case as stated simply upon its merits, we are of opinion that under the decisions of the Court for Crown cases reserved in the *Queen v. Lillyman* (1896), 2 Q. B. D. 167 and in the *King v. Osborne* (1905), 1 K. B. 551, the rulings of the trial Judge as to the admissibility of the evidence of the complainant and her mother were such as are recognised by law.

In the course of the argument of the case stated in this appeal the prisoner's counsel sought to introduce another and different question from that which he raised at the trial, namely, that the Judge in his charge to the jury omitted to point out to them that the evidence of the complainant and her mother, if believed, should not be regarded by them as evidence of the fact complained of, but only of the consistency of the complainant's conduct and as corroborative of her credibility. If this point was available for the prisoner it should have been taken by way of objection to the Judge's charge, and the foundation for an appeal laid during the trial, but it does not appear that it was at any