

form of a special case any question of law arising in the course of a reference; and where an application is made bona fide to the arbitrator to state a case, or give the applicant an opportunity to apply to the Court for such an order, it is such misconduct on the part of the arbitrator to refuse as will justify the Court in setting aside the award, and remitting the matter to the arbitrator for reconsideration. And the materiality of the question of law depending on a question of fact, the arbitrators were directed if they found the question of fact in a certain way, then to state the case on the question of law as asked.

CRIMINAL LAW—LIMITATION OF TIME FOR COMMENCING PROSECUTION—COMMITTAL FOR RAPE, TRIAL FOR MISDEMEANOUR—(CR. CODE, S. 551.)

In *The Queen v. West* (1898) 1 Q.B. 174, the prisoner was committed for trial for rape within the period allowed for commencing a prosecution for that offence, and also within the time for commencing a prosecution for unlawfully having carnal intercourse with a girl between the ages of thirteen and sixteen. By the English criminal law a person on an indictment for rape may be convicted of the lesser offence. The depositions taken on the preliminary examination showing that the charge of rape could not be maintained, an indictment for the lesser offence was found by the grand jury, upon which the prisoner was tried and convicted. The trial took place after the time for commencing a prosecution for the lesser offence would have expired, but the Court for Crown Cases Reserved (Lord Russell, C.J., and Hawkins, Mathew, Grantham and Darling, JJ.) held that the prosecution was in time and affirmed the conviction. If, however, it had not been possible on an indictment for rape to have convicted for the misdemeanour, it is possible the decision might have been otherwise. We do not observe any provision in the Criminal Code authorizing a prisoner indicted for rape to be convicted of illicit intercourse.

EVIDENCE—CRIMINAL LAW—PROOF OF AGE OF CHILD.

In *The Queen v. Cox* (1898) 1 Q.B. 179, the only point discussed is as to the sufficiency of certain evidence. The