

refused to do so, and, according to the accused, he said, "I will stick it into you." A struggle took place in an attempt to get the bayonet away from him, and the accused raised his rifle and fired, and the deceased fell dead. The rifle was a Lee-Metford, with a light pull and no safety catch. It was not disputed that it was proper for the accused to be carrying a loaded rifle. At the trial the defence mainly relied on was that it was an accident. In his summing up Atkin, J., who presided at the trial, told the jury that it was impossible, on the evidence, to find a verdict of manslaughter, and he directed them that, if they did not find it was an accident, that they should bring in a verdict of murder. The jury returned a verdict of murder. The Court of Criminal Appeal (Lord Reading, C.J., and Bray and Lush, JJ.) held that the Judge had erred in not giving the jury an option of finding a verdict of manslaughter, and the Court ordered the conviction for murder to be quashed and a verdict of manslaughter to be entered, and imposed a sentence of four years' penal servitude, under the provisions of s. 5 of the Criminal Appeal Act, 1907, which enables the Court to substitute for the verdict found, the verdict which the jury might have found if properly directed.

**THEATRE—LICENSE—CINEMATOGRAPH—COMPANY IN CONTROL OF
ALIEN SHAREHOLDERS.**

The King v. London County Council (1915) 2 K.B. 466. This was an application for a mandamus to compel the London County Council to grant to the applicants music and cinematograph licences. The council, under an Act, had power to "grant licences to such persons as they think fit to use the premises specified in the licence for the purposes aforesaid (*i.e.*, cinematograph exhibitions) on such terms and conditions and under such restrictions as, subject to regulations of the Secretary of State, the council by the respective licences may determine." Under another Act the county council had power to grant music licences "as they, in their discretion, shall think proper." The applicants were a company, 99,000 out of a 100,000 of the shareholders of which were alien enemies. The Council, on this ground, refused the licences, and the Divisional Court (Lord Reading, C.J., and Bray and Shearman, JJ.) held that they had a discretion which was not limited to terms and conditions for securing safety, and that, in the circumstances, the discretion had been properly exercised, and with this conclusion the Court of Appeal (Buckley, Pickford and Bankes, L.JJ.) agreed.