provided that the court may, notwithstanding that they are of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred." Thus, in the case we have referred to, the Court of Criminal Appeal might have dismissed the appeal, had it come to the conclusion that the remarks of the chairman in his summing up to the jury had sufficiently counteracted the effect which the admission of the prisoner might have had upon their minds. The hesitation to exercise the power given to it by the proviso to sec. 4(1) of the Act, which has marked the judgments of the court since its establishment, serve to shew the lenience of our criminal law administration, which always tends to favour the prisoner.—*Law Times.*

WOUNDING IN SELF-DEFENCE.

The question of the extent of force which may justifiably be used in self-defence by a person who is attacked or assaulted was recently raised in a prosecution at the Central Criminal Court. The jury acquitted the prisoner, who had with a revolver wounded one of a number of persons who were assaulting him. Within somewhat indefinite limits, the question is nowadays treated as being one of fact for the jury, or the court, to decide. In cases of homicide, the courts have from very early times jealously restricted the conditions under which the defence may be raised, and many nice questions have from time to time arisen as to whether the act of the prisoner amounted to excusable homicide. On the other hand, where death does not result from the assault or act of the prisoner, the defence of se defendendo is always open to him. Thus in justification of a wounding or even a mayhem, the prisoner may always prove that the prosecutor assaulted or attacked him first, and that he committed the alleged battery merely in his own defence: (*Cockcroft* v. *Smith*, 2 Salk. 642). Indeed, the defence may suc-