

the new bank and the dealing with the accounts of the company consequent thereon even if they could be said to amount to a novation did not discharge the surety and therefore (4) that the defendant was liable for the amount due in respect of the loan, and the appeal was therefore dismissed.

The report states that the action was brought against the committee of the lunatic, but from the discussion which took place as to costs it would appear that the lunatic himself was also a party because the Court gave costs against the lunatic but refused to make a personal order against his committee.

CRIMINAL LAW—CHARGE OF GROSS INDECENCY WITH BOY—EVIDENCE OF POSSESSION OF INDECENT PHOTOGRAPHS OF BOYS—ADMISSIBILITY—JURY PENDING ADJOURNMENT CONVERSING WITH WITNESS—MATERIALITY.

*The King v. Twiss* (1918) 2 K.B. 853. This was a prosecution for committing acts of gross indecency with a boy. At the trial the Crown tendered evidence of the possession by prisoner of a number of indecent photographs of boys. Pending an adjournment of the trial two of the jurors had conversed with witnesses for the prosecution. On the matter being drawn to the attention of Coleridge, J., the presiding Judge, he called on the jurors for an explanation, and on their statements he was satisfied that the accused had been in no way prejudiced. The prisoner was convicted, and he appealed to a Divisional Court (Avory and Lush, JJ.) on the ground of the improper reception of evidence and the jurors having conversed with witnesses, relying on the latter ground on the case of *Rex v. Ketheridge* (1915), 1 K.B. 467 (noted *ante* vol. 51, p. 246). The Divisional Court, however, held that the evidence objected to was admissible on the principle that the possession of burglars' tools by a person accused of burglary is admissible; and they distinguished the *Ketheridge* case because there the action complained of had taken place after the trial had closed and the Judge had charged the jury, whereas in the present case the irregularity had taken place pending the trial and as the Judge had found had in nowise prejudiced the prisoner.

SHIP—SHIP REQUISITIONED BY ADMIRALTY—CHARTERPARTY—ABSENCE OF LIGHTS IN PURSUANCE OF ADMIRALTY INSTRUCTIONS—COLLISION—"CONSEQUENCE OF WARLIKE OPERATIONS"—"CAUSE ARISING AS A SEA RISK."

*British and Foreign S.S. Co. v. The King* (1918) 2 K.B. 879. This was an appeal from the decision of Rowlatt, J. (1917) 2 K.B.