

Channell in delivering the judgment of the Court of Criminal Appeal in *Rex v. Fisher*, 102 L.T. Rep. 111. The rule was based upon the ground of the irrelevancy of such evidence, and was subject to certain well-known exceptions, for "the mere fact that evidence adduced tends to shew the commission of other crimes does not render it inadmissible, if it be relevant to an issue before the jury, and it may be so relevant if it bears upon the question whether the acts alleged to constitute the crime charged in the indictment were designed or accidental, or to rebut a defence otherwise open to the accused: *Makin's case*, *sup.* Thus upon an indictment for false pretences it is relevant to shew in some cases that the accused has been guilty of a systematic course of fraud, by proving previous convictions for offences similar to that charged in the indictment: (*Rex v. Fisher*, *sup.* So, too, where a criminal intent or guilty knowledge has to be proved by the prosecution as being the gist of the offence charged, evidence may be given of other instances in which the prisoner has committed offences similar to that for which he is indicted: *Rex v. Bond*, 95 L.T. Rep. 296. Again, where several offences are connected together, so as to form one transaction, upon an indictment for one, in order to shew the character of the transaction, the prosecution may prove the other offences: *Rex v. Ellis*, 6 B. & C. 154. The rule has been further encroached upon by statute in several well-known instances. Under the old practice, before the passing of the Criminal Appeal Act, 1907, misreception of such evidence was held to be fatal to a conviction, which could be quashed upon a case stated under the Crown Cases Act, 1848 (*Reg. v. Gibson*, 56 L.T. Rep. 367)—that is, if the court consented to state a case. Under the Criminal Appeal Act, 1907, the practice has undergone some alteration. It will be remembered that by sec. 4, sub-sec. 1, of that Act "the Court of Criminal Appeal . . . shall allow the appeal, if they think that the verdict of the jury should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence . . . or that on any ground there was a miscarriage of justice . . .