

Judgment of Meredith, C.J.C.P., refusing to discharge the prisoner and remanding him to custody, affirmed.

*J. B. MacKenzie*, for prisoner. *Cartwright*, K.C., for Crown.

Case reserved—Co. Carleton.]

[Dec. 13, 1905.]

REX v. LACELLE.

*Criminal law—Seduction—Girl under 16—Indictment for offence committed on named date—Election to be tried summarily—Amendment to prior date—Right of election on new charge.*

The offence under s. 181 of Criminal Code of having seduced a girl of or above the age of 14 and under that of 16 years can only be committed once, namely, on the first occasion on which the connection takes place, and on no subsequent occasion, for only on such first occasion can the requisite of the statute be complied with that she was of previously chaste character.

A prisoner having been indicted for having committed the said offence on Jan. 9, 1905, elected under s. 767 of the Code to be tried summarily by a court judge. On the evidence disclosing a prior connection six days previously, the charge was amended by setting up the offence as having been committed on such prior date, and without giving the prisoner the privilege of electing whether or not he would be tried summarily thereon, he was tried and convicted.

*Held*, that the conviction could not be supported and must be quashed, for that the date being material to the charge, an amendment could not be made substituting a new date, and in effect a new charge, without the prisoner being given an opportunity of electing under s. 767 how he should be tried thereon.

*Cartwright*, K.C., for Crown. No one appeared for the prisoner.

HIGH COURT OF JUSTICE.

Teetzel, J.]

[July 25, 1905.]

RE CALDWELL AND TOWN OF GALT.

*Municipal corporations—By-law limiting number of tavern licenses and prescribing accommodation—"License year"—Liquor License Act—Objections to procedure—Validity of by-law.*

A by-law passed by the council of a town before the 1st March, 1905, limiting the number of tavern licenses, prescribing