

The
Ontario Weekly Notes

VOL. IX.

TORONTO, NOVEMBER 5, 1915.

No. 9

APPELLATE DIVISION.

OCTOBER 25TH, 1915.

*REX v. SPERA.

Criminal Law—Offence upon Young Woman—Criminal Code, sec. 212—Proof of Age—Best Evidence not Obtainable—Hearsay Testimony—Admissibility—Effect of sec. 984 of Code.

Case reserved by the Senior Judge of the County Court of the County of Wentworth upon an indictment and conviction of the prisoner, under sec. 212 of the Criminal Code, R.S.C. 1906 ch. 146, for an offence committed upon an unmarried female under 21 years of age; the sole question being whether there was any evidence to prove that she was under 21.

The evidence given was that of the girl herself, who testified that she was only 19 years old, and gave her exact age; and the evidence of a Mrs. Coleman, to live with whom the girl had gone when quite young, and who deposed that the girl was 19; Mrs. Coleman's opinion was formed from information she had received when the girl came to her, and also from her own observation and judgment. The girl's mother was dead.

The case was heard by MEREDITH, C.J.O., GARROW, MACLAREN, MAGEE, and HODGINS, J.J.A.

E. F. B. Johnston, K.C., for the prisoner.

J. R. Cartwright, K.C., for the Crown.

MEREDITH, C.J.O., delivering the judgment of the Court, referred to Hall's Law relating to Children, 3rd ed., p. 155, note (1); Regina v. Cox, [1898] 1 Q.B. 179; Cheever v. Congdon

*This case and all others so marked to be reported in the Ontario Law Reports.