

The real question is, whether there was evidence upon which the learned Judge could properly find as he did against the prisoner, and of that, I think, there can be no doubt.

The girl's mother was dissatisfied with the relations which had sprung up between the prisoner and her daughter, and was strongly opposed to their continuance, and of this the prisoner was aware. He appears to have left Oshawa, where the girl resided with her mother, but was shewn to have returned and been in the town once or twice in the interval between his first leaving and the day when the girl left her mother's house and joined him at Toronto. There is evidence leading to the inference that communications by letter and post-cards passed between them. He had taken a room in a boarding-house in Toronto, stating that it was for himself and wife, and, when the girl joined him, he took her there and occupied the room with her, and presented her to the proprietor as his wife. It is true that the girl in her evidence did what she could to shield him, and endeavoured to take all the blame to herself, but it was for the learned Judge to attach to her testimony such weight as he considered proper, having regard to the other evidence in the case, and having regard also to sub-sec. (2) of sec. 315 of the Code.

As regards the prisoner's own intentions in the matter, it is to be borne in mind that—as pointed out by Osler, J.A., in *Rex v. Holmes*, 14 O. W. R. at p. 421—under this section the object or intention with which the girl was taken, be it innocent or wicked, is unimportant. No question of the mens rea can arise, for the statute is prohibitive, and any one dealing with an unmarried girl under 16 does so at his peril.

The application must be refused.

MEREDITH and MAGEE, J.J.A., concurred, for reasons stated by each in writing.

GARROW, J.A., also concurred.

MAY 12TH, 1910.

*REX v. FRANK.

Criminal Law—Evidence—Testimony of Accomplice—Necessity for Corroboration.

Case reserved and stated under secs. 1014 and 1015 of the Criminal Code by the Junior Judge of the County Court of Wentworth.

* This case will be reported in the Ontario Law Reports.