

THE
ONTARIO WEEKLY REPORTER

(TO AND INCLUDING APRIL 28TH, 1906.)

VOL. VII.

TORONTO, MAY 3, 1906.

No. 16

APRIL 23RD, 1906.

C. A.

*GAMBELL v. HEGGIE.

*Seduction—Evidence of Plaintiff's Daughter Disclosing Rape
—Father's Statutory Right of Action—Presumption of
Service—Right of Jury to Believe Part of Evidence only
—Evidence of Paternity.*

Appeal by defendant from judgment of a Divisional Court (6 O. W. R. 184, 10 O. L. R. 489) allowing an appeal from the judgment of TEETZEL, J. (5 O. W. R. 746), dismissing action for seduction, after disagreement of jury.

The appeal was heard by MOSS, C.J.O., OSLER, GARROW, MACLAREN, J.J.A., CLUTE, J.

W. E. Middleton, for defendant.

T. J. Blain, Brampton, for plaintiff.

GARROW, J.A.:— . . . The action has been tried 3 times, and each time the jury disagreed.

As will be seen, defendant's whole contention at present is not that there is no evidence that he had had carnal connection with plaintiff's daughter, by reason whereof she became pregnant and was delivered of a child, but that the