

pretended marriage between himself and any woman, or any person who knowingly aids and assists in procuring such feigned or pretended marriage, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

"4. Any person who, being the owner and occupier of any premises, or having, or acting, or assisting in the management or control thereof, induces, or knowingly suffers, any girl of such age as in this section mentioned, to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally,—

(1) Shall, if such girl is under the age of twelve years, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned in any penitentiary for a term not exceeding ten years, or for a period of less than two years in any other place of confinement:

(2) If such girl is of or above the age of twelve and under the age of sixteen years, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided:

Provided, that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought, that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years.

"5. No person shall be convicted of any offence under this Act upon the evidence of one witness, unless such witness be corroborated in some material particular, by evidence implicating the accused.

"6. In every case arising under this Act the defendant shall be a competent witness in his own behalf upon any charge or complaint against him.

"7. No prosecution under this Act shall be commenced after the expiration of one year from the time of committing the offence.

"8. Any person convicted of any offence declared to be a misdemeanor under this Act, shall be liable to imprisonment for two years in a penitentiary, or for a less term in

any other place of confinement, in the discretion of the court having jurisdiction."

COURT OF REVIEW.

QUEBEC, April 29, 1886.

Coram CASALT, J., CARON, J., ANGERS, J.

NOONAN v. NEILL.

Action to compel defendant to fence—Allegations—Evidence.

In a suit, brought to compel a defendant to fence a road, his private property, leading to his mill, in another municipality,

HELD, 1. *That it is necessary to allege that the defendant is proprietor of the mill, of which the road is an accessory, and, as such, is bound to make his portion of the fence of that road and has not done so, but also to conclude that the defendant should be declared to be the owner of that mill and of the road, its accessory, and to make the other and further necessary conclusions in such a case.*

2. *There being no proof, as required by article 1218 of the Civil Code, of the destruction, by fire or other accident, or otherwise, of the loss of the original of a notarial deed, duly enregistered, proof of the contents of such original notarial deed cannot be made by a copy of such original, certified to be true by the Registrar of the Registration division wherein it may have been enregistered.*

3. *That, in order to compel the defendant to separate, by a fence or otherwise, the road in question from the plaintiff's land, it was necessary that the plaintiff should have had recourse to the remedy provided for that purpose by Art. 425 and following of the Municipal Code.*

The following is the text of the judgment:

"Considérant que le demandeur n'a pas légalement établi que le défendeur était propriétaire du moulin, dont le terrain qu'il allègue dans sa déclaration être en la possession du dit défendeur, à titre de propriétaire, était un chemin accessoire, et comme tel une dépendance;

"Considérant de plus qu'au lieu de demander que le défendeur fût déclaré propriétaire de ce chemin connue sa propriété privée et obligé de le clôturer, ou autrement séparer,