

Graham, E.J.]

[June 16.]

OVERSEERS OF THE POOR v. MCGILLIVRAY.

Bastardy proceedings—Evidence of mother—Circumstances corroborating.

While the legislature of Nova Scotia has never adopted statutory provisions applicable to bastardy cases similar to 7 & 8 Vict. c. 101, s. 3, and 35 & 36 Vict. c. 65, s. 4, requiring the evidence of the mother in such cases to be corroborated in some material particular the reasons which induced the passage of the statutes referred to prevail and will be regarded by the court where there is a conflict of testimony.

Although there is no rule of law about it it is a matter of practical expediency and good sense that the uncorroborated evidence of the mother making such an accusation should be received guardedly.

Where there was no evidence to suggest that any other person than the defendant was the father of the child and it appeared that at the time when the child, in the ordinary course of events, was begotten the defendant was living in a country district and the mother of the child was frequently employed by him at work about his house of a character that required her to be often alone with him it was considered that this afforded the necessary corroboration and the defendant's appeal from the order of affiliation granted by the justice was dismissed with costs.

Cole v. Manning, 2 Q.B.D. 614, referred to.

Overseers v. McLellan, 9 N.S.R. 95, distinguished.

Griffin, for plaintiffs. *Girroit*, for defendant.

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CARRIGAN v. LAWRIE.

[June 16.]

Trespass—Conventional line.

There being a dispute as to the location of a line between the plaintiff's and defendant's properties a surveyor was employed to run the line and in doing so measuring from the agreed starting point, found a discrepancy of 30 feet between the point from which the line would be required to proceed as shewn by the measurements and the line as previously recognized and fenced. The dispute as to the location of the line was then compromised by dividing the difference of 30 feet between the two parties in the proportion of two-thirds to plaintiffs and one-third to defendant. A stake was driven at the point so fixed and the line