

I am of opinion that the appellants have not presented such a case as would justify us in reversing the judgments of the two Courts that have decided in favour of the plaintiff.

OSLER and GARROW, JJ.A., agreed in dismissing the appeal.

MEREDITH, J.A., dissented, being of opinion that the single point in dispute was the question of fact, whether there really was any consideration other than that of marriage for the obligation which the plaintiff was seeking to enforce; that, upon the evidence, that question should be answered in the negative; and the plaintiff's case failed.

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MAY 12TH, 1910.

\*REX v. YORKCMA.

*Criminal Law—Conviction for Abduction of Girl under 16—Evidence to Sustain—Motion for Leave to Appeal.*

Motion by the prisoner for leave to appeal from a conviction.

The motion was heard by MOSS, C.J.O., GARROW, MEREDITH, and MAGEE, JJ.A.

W. A. Henderson, for the prisoner.

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

MOSS, C.J.O.:—The prisoner, upon his election and consent, was tried without a jury by the Judge of the County Court of Ontario, and convicted of the offence of unlawfully taking an unmarried girl out of the possession and against the will of her mother, then having the lawful care and charge of her, she being under the age of 16 years, contrary to sec. 315 of the Criminal Code. And this is an application on his behalf for leave to appeal from the conviction, on the ground that it was against the evidence and the weight of evidence, and for an order requiring the learned Judge to state a case for the opinion of the Court as to whether the evidence disclosed that the prisoner committed the offence or substantiated the charge, or that the girl's action was her own individual act, and not induced by persuasion or coercion on behalf of the prisoner.

I am of opinion that this is not a case on which we should grant leave to appeal or direct a case to be stated.

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