

been laid as 25th March, 1905, and obtained leave to so amend the charge. Counsel for the accused contended that the amendment could not be made. The Judge held that it could be made under sec. 773 of the Code, but promised to reserve a case on that point. Subject to his objection, the accused elected to be tried by the Judge without a jury. After hearing the evidence, the Judge found the accused guilty on the amended charge; but reserved . . . a further question as to whether there was the corroborative evidence required by sec. 684 of the Criminal Code. . . .

As to the second of the questions (the amendment and new election), it was conceded . . . that, in view of the decision of this Court in *Rex v. Lacelle*, 11 O. L. R. 74, 6 O. W. R. 911, the prisoner could not ask for a negative answer to this question.

The first question, however, presents considerable difficulty. We have to interpret and apply sec. 684 of the Criminal Code, which reads as follows: "No person accused of an offence under any one of the hereinafter mentioned sections shall be convicted upon the evidence of one witness, unless such witness is corroborated in some material particular by evidence implicating the accused: . . . (c) Offences under part XIII., sections 181 to 190 inclusive."

Section 182, under which the accused was charged, reads as follows: "Every one, above the age of 21 years, is guilty of an indictable offence and liable to two years' imprisonment, who, under promise of marriage, seduces and has illicit connection with any unmarried female of previously chaste character and under 21 years of age."

It is to be observed that under the first question reserved for us the sole point we have to consider is the question of law, whether, under the summary of the evidence as given to us by the District Judge, the complainant is corroborated in some material particular implicating the accused. No question is reserved for us regarding the testimony of the complainant or its sufficiency, save as to whether there is such corroboration of it as is required by sec. 684. . . .

According to the testimony of the complainant, the seduction and first illicit connection took place about 25th March, 1905, and a second connection, from which pregnancy resulted, took place about 25th October, 1905.