

error appeared twice; but elsewhere the defendant was called *Didier*. The prosecution moved to amend.

The COURT was of opinion that the amendment was strictly within the terms of section 70, 32 and 33 Vic., cap. 29.

The prosecution then moved to be allowed to add a negative amendment to correspond with the third answer assigned as false.

The COURT was of opinion that this did not come within any of the Statutes allowing amendments.

The prosecution then moved to be allowed to amend by striking out the question and answer.

The COURT was of opinion that a count might be rejected, but not an allegation.

The defendant was convicted, the jury finding that the allegations with regard to the answers to the questions set forth in the indictment were true.

St. Pierre for the prosecution.

W. Prévost for the defence.

COURT OF QUEEN'S BENCH.

MONTREAL, April 24, 1880.

RAMSAY, J.

REGINA V. LAPRISE.

Indecent Assault—Consent—A prosecution for indecent assault on a boy about thirteen years of age cannot be maintained where it is clearly shown that the boy assented to the act.

The prisoner was indicted for an indecent assault on the person of a boy of about fourteen, nearly two years ago, the boy being then almost thirteen. The evidence clearly showed the consent of the boy, and that he only denounced the facts when questioned by his father.

On the authority of the case of *Reg. v. Wollaston*, 12 Cox, p. 180, the Court intimated to the Crown that the prosecution could not be maintained, and a verdict of *Not Guilty* was rendered.*

E. C. Monk for the Crown.

Pelletier for the defence.

* In the *Wollaston* case, the boys with whom the acts of indecency were committed were over 14 years of age. (Ed.)

COURT OF QUEEN'S BENCH.

MONTREAL, April 24, 1880

RAMSAY, J.

REGINA V. HICKSON.

Libel—Justification cannot be proved unless it be pleaded that the publication was for the public good—Publication in district where trial takes place must be alleged—Amendment of indictment.

The defendant was indicted for a malicious libel, and specially pleaded the truth of the libel as well as the plea of "not guilty." Under this plea he endeavoured to prove justification.

The COURT refused to admit the evidence, as it was necessary, to bring the defendant within the Statute, to plead that the publication was not only true, but made for the public good.

In the same case the original printing and publishing was alleged to have taken place in the District of Terrebonne, and there was only a general allegation that the newspaper in which it appeared circulated in the District of Montreal. Under this allegation the Court would not allow evidence of the publication of the special article in the District of Montreal.

An application was then made to be allowed to amend, under section 70, 32 and 33 Vic., cap. 29, but the Court did not think that section authorized an amendment of the character sought to be made.

The defendant was acquitted.

Keller for the prosecution.

Burroughs for the defendant.

COURT OF QUEEN'S BENCH.

SWEETSBURGH (Dist. of Bedford),

March 11, 12, 13, 1880.

DUNKIN, J.

REGINA V. WYLLIE.

Confession, when inadmissible—New evidence discovered after retirement of jury.

Three indictments were found against the prisoner, lately assistant postmaster at Sweetburgh, and a clerk in the store there kept by the postmaster; one, for having stolen a registered post office letter arriving there, and containing \$50; a second, for having forged in the book of record there for such letters, a signature pur-