

I am unable to see any error in the judgment complained of, and, for the above reasons, would dismiss the appeal.

JUNE 29TH, 1906.

C.A.

REX v. DAUN.

*Criminal Law—Seduction of Girl and Illicit Connection under Promise of Marriage—Election of Prisoner as to Trial—Amendment of Information as to Date of Offence—Prisoner Compelled to Re-elect—Corroboration—Material Particulars—Implication of Prisoner.*

Crown case reserved by the Judge of the District Court of Thunder Bay upon the indictment and conviction of the prisoner for having under promise of marriage seduced and had illicit connection with one Annie Melina Bates, a woman under 21, of previously chaste character, contrary to sec. 182 of the Criminal Code. The two questions reserved were: (1) whether upon the evidence there was sufficient corroboration of the complainant's testimony to satisfy sec. 684, subsec. (c), of the Criminal Code; and (2) whether the Judge had power to allow the district attorney to prefer an indictment for an offence committed on 25th March, 1905, and to have the prisoner elect to be tried on that charge, he having previously elected to be tried on the charge that the offence had been committed in October, 1905.

The appeal was heard by MOSS, C.J.O., OSLER, GARROW, MACLAREN, MEREDITH, J.J.A.

T. D. Delamere, K.C., for the prisoner.

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

MACLAREN, J.A.:— . . . When defendant was first brought before the Judge, the date of the offence was, owing to a misconception of the complainant's evidence, laid in the indictment as being in the month of October, 1905. On this charge he elected to be tried before the Judge without a jury. When the day fixed for the trial arrived, the district attorney had learned that the date of the offence should have