North-West Territories.

SUPREME COURT.

Rouleau, J.] QUEEN *v.* SETON. [Aug. 7.

Master and servant—Information must state offence with accuracy and precision—Information must not charge two offences—Magistrate must allow defendant reasonable time to appear to answer complaint.

The information was under Consolidated Ordinances, c. 50, s. 2, and charged: (1). That Elinor Mary Seton, formerly of the Village of Pincher Creek, but now temporarily of the City of Calgary, in said Territories, cook, was on the 21st day of December, A. D., 1899, a person engaged as a servant to the firm of Mitchell & Dobbie, and while so engaged and on same date refused to perform her duties, contrary to the provision of c. 50 of the Consolidated Ordinances of the North-West Territories.

(2). That the said Elinor Mary Seton on the said 21st day of December, being a servant of the firm of Mitchell & Dobbie did on the said date absent herself without leave from the proper service and employment, contrary to the provisions of c. 50 of the Consolidated Ordinances of the North-West Territories.

The Magistrate convicted the defendant that she on Dec. 21, 1899, while being a servant of Mitchell & Dobbie and employed by them as cook at the village of Pincher Creek in the North-West Territories, absented herself without leave from her proper service and employment contrary to the above provisions.

James Muir, Q.C., for defendant. *C. A. Stuart* and *C. F. Harris*, for the magistrate and the informant.

ROULEAU, J.—*Held*, 1 that the mere fact that a servant absents herself without leave is not per se an offence known to the law. The naked words of the Ordinance in the information would not therefore give authority to the magistrate to commit the servant unless it should appear on the face of the information that the servant absented herself without leave and without lawful excuse.

2. That not only the information is bad because it does not charge any offence and thereby does not give jurisdiction to the Magistrate, but the conviction is bad also because it does not state any offence: *Youle* v. *Mappin*, 30 L.J.M.C., 234; *Rider* v. *Wood*, 29 L.J.M.C. 1.; *Turner* v. *Ollerton*, 15 L.J.M.C. 140.

3. That where the information charges two offences and the conviction is for one offence only, such conviction is bad in law. See, however, *Regina* v. *Hasen*, 20 Ont. App. 633.