

made no application for adjournment, nor objection to the trial proceeding. The prosecutor gave evidence, and the prisoner was sworn and gave evidence on his own behalf, and the magistrate then adjudged that he should be fined \$5 and \$4.88 for costs, and that if the amounts should not be paid forthwith, he should be committed to the common gaol at Barrie for ten days; and a note of this conviction was made by the magistrate at the foot of the proceedings, and a formal conviction was drawn up afterwards. Lewis, after remaining in custody for about an hour, gave security for payment of the amount, and was released. The formal conviction stated that Lewis "having entered into an agreement with one Fred. Stoddart to perform work and services for the said Stoddart at the village of Bradford, under which he . . . received from the said Stoddart as an advance of wages the sum of \$1.30 on a railway ticket for his transportation from Toronto to Bradford, did without the consent of said Stoddart leave his employ before the cost of such transportation had been repaid, contrary to the provisions of the Act respecting Master and Servant, R. S. O. 1897 ch. 157, as amended by 1 Edw. VII. ch. 12, sec. 14." Lewis was adjudged to pay \$5 and \$4.88 for costs, and, if these sums were not forthwith paid, to be imprisoned for ten days unless the several sums were sooner paid.

S. B. Woods, for defendant.

☞ J. Bicknell, K.C., and A. E. Scanlon, Bradford, for the magistrate and prosecutor.

The Court (FALCONBRIDGE, C.J., STREET, J., BRITTON, J.) held that the nature of the offence intended to be charged against defendant was sufficiently clear in the original information, and any doubt was removed by the addition of the reference to the Act. The amended information was not resworn, but having been read over to defendant, and the trial having proceeded without any protest or objection on his part, and he having been sworn as a witness on his own behalf, the magistrate, having defendant before him, even though he may have been brought there improperly, might proceed to try him upon an amended information, not resworn, although the Act under which he was tried requires information on oath, provided defendant does not protest: *Turner v. Postmaster-General*, 5 B. & S. 756; *Regina v. Hughes*, 4 Q. B. D. 614; *Dixon v. Wells*, 25 Q. B. D. 249; sec. 896, Criminal Code.

The Court, being satisfied from a perusal of the depositions that an offence of the nature described in the conviction