

to the law against perpetuities: Re Clark, [1901] 2 Ch. 110. The testator died after 14th April, 1892, and so the case is governed by sec. 8 of R. S. O. ch. 112, which exempts money arising from land from the operation of the Mortmain Act. Appeal dismissed with costs, payable out of the legacies of appellants, and any balance to be paid by themselves.

APRIL 4TH, 1903.

DIVISIONAL COURT.

REX v. LEWIS.

Criminal Law—Justice of the Peace—Summary Conviction under Master and Servant Act—Information—Nature of Offence—Reference to Act—Amendment of Information without Re-swearing—Absence of Objection—Form of Conviction—Omission of Date and Place of Offence—Amendment—Heading of Conviction—Costs.

Motion by defendant to make absolute a rule nisi quashing conviction of defendant under the Master and Servant Act. The prosecutor, one Stoddart, hired defendant in Toronto to go to Bradford to work for him, and, as defendant said he had no money to pay his railway fare to Bradford, he bought a ticket for defendant at his request and handed the ticket to the conductor for defendant. After defendant's arrival he worked for Stoddart for a few hours, not sufficient to repay Stoddart for his outlay, and then refused to do any more work, and left. Stoddart went to one Broughton, a justice of the peace, and swore to an information that "William Lewis did on the 28th July accept the sum of \$1.30 to pay his fare to Bradford, on the condition that said amount was to be worked out, and that the said William Lewis refused to work after reaching this place, with the exception of four hours and thirty minutes." The magistrate thereupon issued a warrant to arrest defendant. In the warrant the facts stated in the information were substantially set out, but with the addition, at the end, of the words "consequently obtaining money under false pretences." Lewis was arrested and brought before the magistrate on Saturday, 2nd August, 1902, at 8.30 p.m. The magistrate, in the presence of the prosecutor, amended the information by adding at the end the words "as per section 14 (5a), Master and Servant Act, Ontario statutes 1901;" but the information as amended was not resworn. The amended information was then read over to the prisoner, and he was informed that he was to be tried under it as amended. He