

the wrongful dismissal. In *Harper v. Davies* the right to recover on the common counts, which included a claim for work and labour, seems to have been recognized. It is probable, however, that the learned Chief Justice would have explicitly denied the right to recovery by a plaintiff who was in default, had such a case been before him.

It was contended the plaintiff in the latter of the two cases before me had the right to terminate this contract, if it existed, by a month's notice, according to the well-known rule applicable to domestic servants, and if that were the case the deduction of a month's wages might be made in lieu of the month's notice which was not given. Apart from the question as to whether a farm labourer is a domestic servant (as to which see note (b) to *Snelling v. Huntingfield*, 1 C. M. & R.), this contention fails for another reason. The law is thus stated in Smith's *Master and Servant*, 5th ed., p. 65, after a statement of the rule as to the month's warning by domestic servants. "But it is conceived to be perfectly clear, notwithstanding a notion to the contrary, which is believed to be not uncommon, that a domestic or other yearly servant wrongfully quitting his master's service forfeits all claim for wages for that part of the current year during which he has served and cannot, after having wilfully violated the contract according to which he was hired, claim the sum for which his wages would have amounted had he kept his contract, merely deducting therefrom one month's wages." A passage follows as to the injustice which would result from a contrary rule, as to which see also *Blake v. Shaw*, 10 U.C.Q.B. 180.

Judgment will be entered for the defendant in both cases with costs.

Province of Nova Scotia.

SUPREME COURT.

Full Court.]

THE KING v. ROMANS.

[Feb. 8.

Criminal law—Code s. 212—Seduction under promise of marriage.

Defendant who had entered into an engagement to marry E., some time afterward seduced her. The engagement to marry was referred to at the time, and the promise to marry repeated, and