

*Held*, not to apply to proceedings under the Liquor Act, 1902.

*Semble*, that in a conviction of this kind it was no objection, on habeas corpus, that the name of the informant did not appear, nor that the prisoner was prosecuted under the name of "Foster," whereas his name was "Forster."

*Semble*, also, that there was a sufficient sentence and adjudication, although the particular language which might have been necessary in a conviction by a magistrate was not made use of in the record of the proceedings; but, at all events, there was no reason why the sentence of imprisonment should not stand good, even if the adjudication of the fine were objectionable.

*McCullough*, for defendant. *Cartwright*, K.C., for the Crown.

Trial—Britton, J.]

[April 9.

CAREW v. GRAND TRUNK R.W. CO.

*Railway—Farm crossing—Obligation to provide—Dominion Railway Act—Midland Railway Co.—Ontario statutes.*

The plaintiff's father in 1882 conveyed part of his farm to the Midland Railway Co, who constructed their railway so as to sever the farm, but did not agree to make a farm crossing. In 1900 the father conveyed to the plaintiff all the farm not previously conveyed to the railway company.

*Held*, that the plaintiff could not compel the defendants, who had acquired the Midland Railway in 1893, to provide a farm crossing, either by virtue of the Dominion Railway Act or of Ontario legislation applicable to the railway before 1893.

Review of the statutes affecting the Midland Railway Company.

*Ontario Lands and Oil Co. v. Canada Southern R.W. Co.*, 1 O.L.R. 215, followed.

*Ruddy* for plaintiff. *Riddell*, K.C., for defendants.

Falconbridge, C. J. K.B., Street, J., Britton, J.]

[April 11.

PRING v. WYATT

*Malicious prosecution—Fair statements of facts to magistrate—Liability of defendant for magistrate erroneous view—Information for theft—Belief of ownership—Belief of theft—Authorizing charge—Reasonable and probable cause—New trial.*

The defendant with a collie dog was passing the plaintiff's house when the plaintiff and his son claimed the dog as theirs and took possession of it. The defendant went to a magistrate and stated the facts and the magistrate drew an information stating that the plaintiff did "unlawfully have and