

HON. MR. JUSTICE MIDDLETON.

OCTOBER 3RD, 1913.

REX v. GRAY.

5 O. W. N. 102.

*Criminal Law—Indeterminate Sentence—Industrial Farm—Municipal Act, 1903, sec. 549a—Prisoner Confined in Central Prison upon Warrant Committing him to Industrial Farm—Habeas Corpus—Discharge of Prisoner Ordered.*

Upon return of a *habeas corpus* addressed to the warden and keeper of the Central Prison, defendant moved for his discharge.

H. C. Macdonald, for the prisoner.

No one contra.

HON. MR. JUSTICE MIDDLETON:—The only authority for the detention of the prisoner produced upon the return of the *habeas corpus*, is the warrant issued by Ellis, acting magistrate, committing this man to an industrial farm for two years' indeterminate sentence under 2 Geo. V. ch. 17, sec. 34.

In my view this does not authorise incarceration in the Central Prison. Nothing was produced shewing how the prisoner came to be in the custody of the warden.

I therefore order his discharge.

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SUPREME COURT OF ONTARIO.

2ND APPELLATE DIVISION.

OCTOBER 9TH, 1913.

REEVES v. TORONTO Rv. CO.

*Negligence—Street Railway—Passengers—Alighting—Opening Exit Door.*

SUP. CT. ONT. (2nd App. Div.) held, that where a street car exit door is opened mechanically by the motorman it is an invitation to the passenger to alight.

An appeal by the defendants from a judgment of His HONOUR JUDGE DENTON, of York County Court, pronounced 6th June, 1913.

Plaintiff a married woman brought action to recover \$500 damages for injuries for being thrown violently from the steps of the defendants' car, at the corner of Harbord and Borden streets, Toronto, on the 26th December, 1911.