

rant should not be held invalid for the irregularity: secs. 1121 and 1124 of the Criminal Code, made applicable by sec. 4 of the Ontario Summary Convictions Act, R.S.O. 1914 ch. 90; sec. 94 of the Liquor License Act, and sub-sec. 2, giving power to amend the warrant; it should be amended by striking out the words and figures stating the costs and charges of conveying the prisoner to gaol.

(7) That the arrest of the prisoner in another county was not a good ground of objection to his detention: the right to discharge does not depend on the legality or illegality of the capture: *Rex v. Whitesides* (1904), 8 O.L.R. 622.

Motion dismissed; no costs.

---

HOOK v. WYLIE—LATCHFORD, J.—MARCH 6.

*Motor Vehicles Act—Injury to Child by Motor Vehicle on City Highway — Negligence — Onus — Evidence — R.S.O. 1914 ch. 207, sec. 23 — Findings of Fact of Trial Judge — Damages.*]—Action by a boy of 12 and his father to recover damages for injury to the boy and consequent loss and expense to the father by an automobile driven by the defendant in Delaware avenue, in the city of Toronto. The boy was struck by the automobile when sitting in a toy-waggon at the side of the part of the street devoted to vehicles. His left leg was broken. The action was tried without a jury at Toronto. LATCHFORD, J., in a considered opinion, said that, upon facts clearly established, the case fell within sec. 23 of the Motor Vehicles Act, R.S.O. 1914 ch. 207, and the onus of proving that the damage sustained did not arise from his negligence was upon the defendant. That onus the defendant had not discharged—not only so, but there was much to indicate that his negligence caused the damage. Judgment for the plaintiffs for \$837.50 with costs—\$337.50 for the father and \$500 for the boy; the \$500 to be paid into Court to his credit. A. A. Macdonald, for the plaintiffs. W. H. Irving, for the defendant.

---

RE CROWN CHARTERED MINING CO. OF PORCUPINE LAKE LIMITED  
—CHAMBERS v. CROWN CHARTERED MINING CO. OF PORCUPINE LAKE LIMITED—RIDDELL, J., IN CHAMBERS—MARCH 7.

*Appeal—Leave to Appeal from Order of Judge in Chambers—Trust—Parties—Addition of Cestuis que Trust—Refusal of*