

After the judgment delivered by HODGINS, J.A., on the 28th December, 1920 (ante 348), the convicting magistrate returned an amended conviction, and the learned Judge, in a supplemental judgment, said that by the amended conviction a fine of \$200 and \$10 costs and in default of payment a penalty of 3 months in goal were imposed.

It appeared from a memorandum sent with the papers that the magistrate was under suspension. As, however, he had in fact exercised his discretion under sec. 58 (2) of the Ontario Temperance Act, as added by 10 & 11 Geo. V. ch. 78, sec. 11, against adding a sentence of imprisonment, there was no reason why, in order to avoid any difficulty caused by the suspension, the Judge might not now make an order amending the conviction in the way indicated by the magistrate, if the defendant so desired, or confirm the conviction as now returned. No costs.

The learned Judge calls attention to what he hopes is an unusual practice, namely, the procuring, by the solicitor for the defendant, from the magistrate, of an affidavit in support of the application to quash the conviction. In that affidavit doubt was thrown upon the conviction and upon the magistrate's right to decide as he did. It is improper to ask any magistrate to take such a position. If the offence was not proved, the defendant should have been discharged; but, if a conviction is recorded, the administration of justice will not be advanced by the course taken here.

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LEWIS v. LEWIS—KELLY, J.—JAN. 4.

*Receiver—Interest of Defendant in Estate—Investment in Debenture—Confirmation of Master's Report.*]—Motion by the plaintiff for an order confirming a report of the Local Master at London of the 24th November, 1920, and for the appointment of a receiver. The motion was heard in the Weekly Court, London. KELLY, J., in a written judgment, said that the report should be confirmed. It was found by the report that the defendant was entitled, under the will of his father (now deceased), at the decease of his mother, to \$5,000, which was now said to be invested in a debenture of the Huron and Erie Loan and Savings Corporation. The Canada Trust Company should be appointed receiver of the defendant's interest in this debenture and the money which it represents; but subject of course to the prior interest of the defendant's mother and of any other person or persons who may have an interest therein prior to his. P. H. Bartlett, for the plaintiff. The defendant was not represented.