

The widow is not entitled to any part of the corpus.

Upon the remarriage of the widow or at her death, the children take the whole corpus.

Order declaring accordingly; costs of all the parties out of the estate.

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MASTEN, J., IN CHAMBERS.

FEBRUARY 22ND, 1917.

\*REX v. BOILEAU.

*Ontario Temperance Act—Conviction for Keeping Liquor on Premises — Single Justice of the Peace—Jurisdiction — 6 Geo. V. ch. 50, secs. 2 (e), 3-6, 61 (3), 146—“Licensee”—Keeper of Standard Hotel.*

Motion by the defendant to quash a conviction, dated the 4th January, 1917, made by D. M. Viau, one of His Majesty's Justices of the Peace in and for the United Counties of Prescott and Russell.

T. N. Phelan, for the defendant.

J. R. Cartwright, K.C., for the Crown.

MASTEN, J., in a written judgment, said that the conviction was under the Ontario Temperance Act, 1916, 6 Geo. V. ch. 50, and the motion to quash was based on the fact that the conviction was made by a single Justice of the Peace, sitting alone, which was alleged to be contrary to the provisions of sec. 61 (3) of the Act: “All prosecutions under this Act, whether for the recovery of a penalty or otherwise, shall take place before two or more Justices of the Peace or a Police Magistrate having jurisdiction, except in the case of a licensee or for any offence committed on or with respect to licensed premises, which may be tried by one Justice of the Peace.”

The conviction was supported by the Crown on the ground that the defendant was a licensee, within the meaning of the clause just quoted, or, in the alternative, that the offence was committed on or with respect to licensed premises.

It was not disputed that the defendant was the keeper (whether as owner or as tenant, did not appear) of a building licensed under the provisions of the Ontario Temperance Act as a standard hotel; and it was contended by the Crown that he was, in consequence, a licensee within the meaning of sec. 61 (3) above quoted.