

LATCHFORD, J., in a written judgment, said that the policy was declared to be payable at the head office of the insurers in Toronto, and was effected while the assured was a resident in Manitoba; but the law of Manitoba had no application, because the assured, when he made his will, and when he was killed in action in France, had his domicile in British Columbia.

It was contended that the law of the domicile governed, and that the change in the designation of the beneficiary was by that law ineffective. But, in the opinion of the learned Judge—adopting the view of Middleton, J., in *Re Baeder and Canadian Order of Chosen Friends* (1916), 30 O.L.R. 30, at p. 32, approved by Riddell and Masten, J.J., in the same case—the law of British Columbia was not applicable.

The power which the testator exercised was, or was analogous to, a power of appointment, and was governed, not by the law of the domicile, but by the law of this Province; and the will was effective to substitute the testator's wife for his mother.

Order declaring accordingly. Costs of each party, fixed at \$25, should be paid out of the fund.

MASTEN, J., IN CHAMBERS.

JUNE 25TH, 1918.

*REX v. LEDUC.

Ontario Temperance Act—Magistrate's Conviction for Offence against sec. 41—Having or Keeping Intoxicating Liquor—Conviction Bad on its Face—Insufficient Description of Offence—Objection not Taken in Notice of Motion—Judicature Act, sec. 63 (2)—Leave to Serve Supplemental Notice—Service after Expiry of 30 Days—Temperance Act, sec. 102 (2)—Amendment of Original Notice—Amendment of Conviction to Cure Defect—Sec. 101 of Act—Evidence to Prove Offence—Possession of Liquor Admitted—Presumption—Secs. 85, 88—Evidence to Rebut—Suspicious Circumstances—Finding of Magistrate—Liquor being Transported in Vehicle.

Motion to quash a conviction of the defendant, by a magistrate, for an offence against sec. 41 of the Ontario Temperance Act, 6 Geo. V. ch. 50.

Grayson Smith, for the defendant.

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