

intoxicating liquors, alleged to have been committed in the County of Peel; where the Canada Temperance Act was in force at the date of the convictions. The convictions, however, did not specify that Act or any other as having been violated.

W. A. Henderson, for the defendants.  
No one opposed the motion.

MASTEN, J., in a written judgment, said that the three convictions were alike, and each read: "for that" the defendant, "on or about the 17th day of September, 1919, upon the Toronto and Hamilton highway, in the county of Peel, did have in his possession, or did bring into the county of Peel, a quantity of intoxicating liquor contrary to law; said liquor being conveyed in motor-vehicle No. 128967."

The motion to quash was based upon the grounds: (1) that there was no evidence to support the convictions; (2) that each information set forth two distinct and separate charges.

A careful perusal of the depositions before the magistrates satisfied the learned Judge that there was absolutely no evidence upon which they were entitled to convict these defendants, or any one of them, on the charge laid. All that was shewn was that there was a smell of liquor; that the car was driven away in a suspicious manner about half-past twelve at night, after a collision had taken place; and that certain bags containing bottles of liquor were in the morning found in the grass at the side of the highway a mile or a mile and a half away from where the collision took place. There was not the slightest evidence that the defendants, or any of them, put the bottles there, or had them in possession at any time.

It must always be borne in mind that mere suspicion is insufficient to convict; and that, though on a motion of this kind there is no right to quash a conviction merely because the evidence seems slight, yet if the conviction is founded on mere suspicion, without any evidence, such a conviction cannot stand. It was unnecessary to deal with the second ground.

The three convictions should be quashed, without costs, and with the usual order protecting the magistrates.