MASTEN, J., in a written judgment, said that on the first return of the motion it was argued that the conviction was bad because it did not specify what offence had been committed. Thereupon, counsel for the Crown objected that the point was not specified in the notice of motion, as required by sec. 63 (2) of the Judicature Act, R.S.O. 1914 ch. 56. Leave was then given to the defendant to serve a supplemental notice, the original motion being retained. A supplemental notice having been served, taking the ground of attack upon the conviction mentioned, the motion again came on for hearing. Counsel for the Crown then contended that, the new notice not having been served within 30 days from the conviction, the ground of attack mentioned was not open to the defendant: sec. 102 (2) of the Ontario Temperance Act, as enacted by the amending Act of 1917, 7 Geo. V. ch. 50, sec. 33. The learned Judge, however, was of opinion that the supplemental notice was not a new notice of motion; and, the original notice of motion having been served within 30 days, the motion should be entertained upon all the grounds raised.

By the notice of motion as originally drawn, the defendant sougnt to have the conviction quashed on the ground that there was no evidence to support it. It was conceded that liquor was found in the defendant's possession; and that raised a prima facie case against him: sec. 88 of the Act. Whether the evidence he adduced was sufficient to satisfy the onus that was upon him to prove that the did not commit the offence of having or keeping intoxicating liquor contrary to the provisions of the Act, was a question for the magistrate. The conviction could not be quashed upon this ground.

The conviction, however, was bad because it insufficiently described the offence. The words used in the conviction were, "unlawfully did keep liquor in contravention of the Ontario Temperance Act."

An amendment might, however, be made under sec. 101 of the Act, if there was evidence to prove some offence against the Act.

On behalf of the defendant it was contended that the evidence shewed that the liquor in question was being transported in the defendant's sleigh from a place in the Province of Quebec where it might lawfully be purchased to a place or places in the Province of Ontario where it might lawfully be kept, viz., the respective residences of the defendant and one Jodoin, who was with him.

Having regard to the presumptions prescribed by secs. 85 and 88 of the Act, it was essential, in this aspect, that the defendant should clearly establish, to the satisfaction of the learned Judge, that he was not keeping liquor elsewhere than in his private