

Kennedy, L.J.), varying the judgment of the Divisional Court (1910) 2 K.B. 67 (noted ante, p. 537). As was remarked in that note, while agreeing with the Divisional Court that in respect of the liquidator's report and the consequent examination of the parties charged therein with fraud, the liquidator was merely discharging his official duty and as to those proceedings there was no jurisdiction to order him to pay costs personally, yet the Court of Appeal considered his unsuccessful opposition to the motion of the party charged for an exculpatory order stood on a different footing, and having made himself an active party to litigation he incurred a personal liability to pay costs if he failed, and the order of the Divisional Court was varied by directing him to pay those costs.

JUSTICES—PRACTICE—HEARING OF INFORMATION—ABSENCE OF INFORMANT—EXAMINATION OF WITNESSES BY POLICE OFFICER.

In *May v. Beeley* (1910) 2 K.B. 722 an information was preferred by Beeley, superintendent of police, against the appellant May, charging him with driving a motor at an excessive speed on the highway. On the hearing the informant was not present nor represented by counsel or solicitor, but witnesses were produced and examined in support of the information by a police sergeant who was also one of the witnesses in the case. The appellant's solicitor called the attention of the justices to the fact of the sergeant taking the conduct of the case, and they offered to adjourn, but the solicitor for the appellant declined an adjournment and the appellant was convicted, no objection being made to the hearing of the information in the informant's absence. On appeal from the conviction the Divisional Court (Lord Alverstone, C.J., and Bucknill, and Bray, J.J.) held that though there was some conflict as to what actually took place before the justices in regard to the offer to adjourn, the court was bound to accept the statement of the justices, and the appellant having waived the adjournment offered could not now contend that the mere fact that the police officer had improperly acted as advocate in the absence of the informant, invalidated the conviction.