

adjournment to afford an opportunity of preparing a proper defence. Mr. Blain urged the magistrate to telegraph or telephone to Mr. Ayearst, the provincial inspector, who was prosecuting, notifying him that the proceedings could not go on at the time appointed, and would be adjourned. The magistrate refused to communicate with Mr. Ayearst and declined to consent to any adjournment. Being obliged to leave town immediately, Mr. Blain thereupon gave to the defendant a letter addressed to Mr. Ayearst, explaining to him the position, and asking him in fairness to agree to an adjournment, expressing his willingness to attend at any future date which might suit the convenience of the prosecutor and the magistrate.

The defendant attended, pursuant to the summons served upon him, at the court house in Brampton, at 2 o'clock in the afternoon of 9th October, 1907. He delivered Mr. Blain's letter to Mr. Ayearst. He again applied for an adjournment. The magistrate refused, and, in answer to the explanation of the defendant that he had no lawyer to take his case or advise him, the magistrate stated that he would get a lawyer for him. He then left the bench, and on his return informed the defendant that Mr. Morphy, a solicitor of Brampton, would be present in a few minutes, and that he could have Mr. Morphy act for him.

When Mr. Morphy appeared, the defendant explained to him his desire for adjournment. Mr. Morphy pressed for an adjournment, which the magistrate again refused; but, upon Mr. Morphy persisting in his demand for an adjournment, the magistrate offered to grant an adjournment upon payment of costs of the day, which he said would be about \$10. The magistrate says in his affidavit that the defendant proceeded with the case rather than pay this sum of \$10. The defendant, on the contrary, says that he expressed his willingness to pay the \$10 rather than proceed with the trial on that day, but that the magistrate, notwithstanding his (defendant's) readiness to pay, then refused to adjourn the case, and directed the trial to proceed.

Mr. Morphy, for the defendant, took exception to the information upon which the magistrate was proceeding, which, as it appears, as then framed, charged that the defendant had committed the offence of selling liquor without a license "between the 1st and 8th days of October, 1907." Thereupon the information was changed so as to charge