Then follows the evidence. This evidence shews that on the day in question Reid bought a flask of whisky from Dunkley in the bar, and, after taking the flask to one Meiklejohn, returned to the bar and bought another flask from Dunkley; in examination of Reid in chief, no hour is fixed, but in cross-examination there is much uncertainty, the purchases being said to have been made between 3 and 5 p.m. Other witnesses were called, who gave more or less relevant testimony, including both Dunkley and Neal. These two witnesses denied the sale, stating that Dunkley had not been in the bar till after 6 p.m.

The Court then adjourned till the 8th April, and on that day adjourned by consent till the 11th.

On the 11th the minutes were headed:—

"Minutes of the above adjourned cases, Reid v. Dunkley and Reid v. Neal, taken this 11th April, 1910."

Evidence for the defence is then given. It is not stated that it was given in the case that had then been opened and that was then in course of trial. I am asked to infer from the entry that the evidence was given in all the cases. This I cannot do.

At the close of the evidence judgment was reserved, and on the 18th April the magistrates found Dunkley guilty of selling liquor on the 7th February, and imposed a fine.

What became of the second charge or of the charges against Neal is not made to appear. I am told that they were not further prosecuted. I do not know which of the two charges against Dunkley was actually tried—probably the magistrates and the parties did know and quite understood what was meant by "Reid against Dunkley (first case)."

I do not find that the facts bring the case within the rule that prohibits two charges being tried together, because, as I understand the proceedings before me, one charge and one charge only has been tried; and, though the conviction does not follow the information, I think that, when the information charges an offence as being committed at a particular hour, and the evidence leaves the exact hour a matter of uncertainty, the magistrates might well convict, as they have, for the offence disclosed, i.e., a sale on the day in question.

Then it is said that the proceedings are void because the informant does not reside in the county. No doubt, if the statute required a particular person or a person having some particular qualification to be informant, then the compliance with this requirement would be essential. Here, the statute imposes no restriction, and enables any person to lay an information; and, while it has been said that the statement "things are not what