

with liquor or allowed to remain on licensed premises. To Mr. Reed witness said that Moylan was not staggering, and was able to take care of himself.

William Keane, a Kingsland labourer, said that when he first met Moylan he did not appear to be under the influence of drink. After having four drinks in the Victoria Hotel, Moylan drank soda water, saying that he did not want to get drunk, as he had to go out with his wife that evening. When Mr. O'Connor came into the bar, as Moylan was having his last glass of beer, he told the barmaid not to give him any more beer. In witness' opinion, Moylan went to lie down in order to get out of drinking any more.

John Keane, another member of the party, gave similar evidence.

William Winters, in the course of his evidence, said he could not imagine why Moylan made a charge of robbery against him. Witness would not say that his accuser was drunk, though he appeared to be excited.

Evidence was also given by Constable O'Connor to the effect that Moylan was suffering from the effects of drink, and was in a muddled state.

Mr. Reed contended that there was really no case to answer, for if a publican was to be convicted on such evidence as had been given for the prosecution the position of licensees would be intolerable. On the evidence before His Worship there was not sufficient to warrant a conviction on either charge.

His Worship said that it was entirely a question of fact, and it had not been established to his satisfaction that Moylan was drunk when he was supplied with his last drink. As far as the license was concerned, he had done quite right in telling the barmaid not to give him any more when he (O'Connor) thought that he had had enough. With regard to the other charge, he was not satisfied that any person of reasonable observation would have thought that Moylan had had enough drink when the last glass was supplied. The information would therefore be dismissed.

JUDGMENT FOR DEFENDANT.

Judgment was given by Mr. C. C. Kettle, S.M., last week in the case in which J. M. and J. Mowbray sued Wm. Abbot, executor in the will of Katherine Jones (deceased), for £80, commission on the sale of the Kentish Hotel, Waiuku.

His Worship said that the claim was for services alleged to have been rendered on behalf of Mrs. Jones, since deceased. Plaintiffs alleged that on December 11, 1905, they were instructed to sell the hotel by Mrs. Jones on behalf of her husband. The agents took along a Mr. Thomas, and were promised a commission of £100 if they sold the hotel for £3000. On the following day Mr. Jones died, and the instructions were renewed by Mrs. Jones. The hotel was subsequently sold on January 6, 1906, to a Mr. Schultze by Mrs. Jones and Mr. Abbot for £3150. Plaintiff alleged that before the sale to Mr. Schultze they had effected a sale to Mr. Thomas, and the decision of the case rested on the question of whether they still had authority to sell. In his opinion events showed conclusively that their authority to sell the hotel was revoked on January 5, the day before they contended the sale to Mr. John Thomas was effected. Mr Mowbray admitted that Mr. Biss, solicitor for Mrs. Jones, had a conversation with him on January 5, in which reference was made to the sale, Mr. Biss stating that he informed Mr. Mowbray that the hotel had been sold. The authority to the agent to sell could be revoked at any time, provided it were done in a bona fide manner, without the object of preventing them earning their commission, or carrying out their duties. He was satisfied that the sale to Mr. Schultze was bona fide. Mr. Thomas had offered £2750 for the hotel, but this had been distinctly refused, and there was nothing done to indicate to Mrs. Jones that Mr. Thomas was a likely purchaser. Mr. Jones had a perfect right to sell, and the sale amounted to a revocation of plaintiff's authority, while the notice to Mr. John Mowbray was sufficient for both. Judgment would therefore go for the defendant on the ground that the authority was revoked before the agents had performed the services rendered. Judgment was then entered for defendant with costs, £4 10/6.

"What day was I born on, mother?"
"Thursday, child."
"Wasn't that fortunate! It's your day at home."

SMOKING AFTER FORTY.

Dr. C. Stanford Read, in his book, "How to Keep Well," has something to say concerning smoking. That tobacco used moderately is generally injurious seems improbable; at any rate, the mischief of it, he says, is not proved. But smokers do not altogether escape the effects of the nicotine. Among the slighter consequences are decay of the teeth, and this few escape; a tendency to a chronic inflammatory condition of the back of the throat and slight muscular tremor. In respect of severer consequences, "tobacco blindness" stands out prominently. Dizziness is not an uncommon sign of excess or intolerance of tobacco. This symptom is seen more in cigarette smokers, perhaps, because in this practice the smoke is generally inhaled. Tobacco hearts are very common in young men who smoke freely before becoming thoroughly seasoned, the main feature being palpitation, accompanied by a sense of discomfort in the cardiac region. Dr. Read also points out that tobacco, in common with most kinds of chronic poisoning, tends to produce anaemia. "Up to the age of 40 years much excess may be indulged in without permanent harm being wrought; but over that age much greater caution must be exercised. The continued inhalation of smoke is certain deleterious, for thereby more of the active constituents of tobacco tend to enter the system, and predisposition to catarrh of the respiratory passages is set up. Excessive smoking I believe to be prejudicial to the efficient working of the intellectual faculties. It tends to turn thought into reverie, and woe betide him whose work is of the mind and who allows himself to fall from thought into mere reverie."

MEN KILLED IN A SALOON.

As showing how rampant crime is in San Francisco, papers report the "sticking-up" of a saloon at Sixth and Brannan Streets in that city by two armed and masked men shortly before nine o'clock on the evening of November 15. The report says:—

A desperate duel to the death was fought during the attempted hold-up of a saloon at Sixth and Brannan Streets shortly before nine o'clock last night between an ex-policeman and one of the robbers. After sixteen shots had been fired the body of Frank Burke, an ex-convict, one of the men who tried to hold the place up, was stretched lifeless on the opposite side of the street. An hour later George O'Connell, the ex-policeman, died at the Central Emergency Hospital from bullet wounds inflicted by Burke. Steven Lynch and Louis Delatour, who were also in the saloon, lay at death's door at the hospital. Michael Kennedy, another customer of the place, was slightly wounded. Burke and a companion, wearing masks, entered the saloon, which is owned by John O'Connell, and demanded that everybody throw up their hands. For answer George O'Connell started shooting, and the revolvers of two desperate thugs rang out simultaneously in reply. Burke, who had entered the saloon from the Sixth-street door, staggered across the street after exchanging shots with brave O'Connell, and fell dead in his tracks. His companion kept up the fusillade, shooting at the other men in the place till his revolver was emptied. Then he disappeared in the darkness, leaving behind him his three victims. When the shooting occurred there were about a dozen men in the saloon. John O'Connell, a nephew of the proprietor, was behind the bar, the owner of the place having retired to his room above. Everybody was lined up at the bar, preparing to take a drink, when both doors of the place, one on Sixth and the other on Brannan-street, opened simultaneously, and a masked man, with drawn revolver, appeared at each.

"One, two, three. Throw up your hands, everybody!" yelled the man who entered by the Brannan-street door, each thug advancing toward the bar as this command was given in a cool and commanding tone. Everybody obeyed save George O'Connell. Instead of becoming terrorised like the rest, he whipped out his revolver and began shooting at the man who entered from Sixth-street. When the thugs saw him reach for his revolver both opened fire, the man at the Sixth-street door aiming at O'Connell and the other taking a pot shot at the rest of the crowd, all of whom were attempting to run for cover. After

**International Exhibition,
CHRISTCHURCH,
1906 - 1907.**

The following HIGH-CLASS MILLED, DESICCATED and DELICATELY PERFUMED,

**LONDON MADE
TOILET SOAPS**

Will be exhibited by the Manufacturers:

PRICE'S PATENT CANDLE CO. LTD.,

(LONDON & LIVERPOOL)

"REGINA,"

"REGINA CREAM," "REGINA VIOLET,"

"COURT," "BUTTERMILK,"

"PALMITINE BATH," "GLYCERIN CREAM."

These Soaps may be obtained through any CHEMIST or STOREKEEPER. Wholesale in

AUCKLAND,
CHRISTCHURCH,
DUNEDIN,
INVERCARGILL,
&c.

NAPIER,
NELSON,
NEW PLYMOUTH,
WELLINGTON,
&c.

Enquiries may also be addressed to the Company's Representative

Mr. ARTHUR DAY, at the Exhibition.

The Company will show specimens of their leading brands of:-

CANDLES, NIGHT LIGHTS, GLYCERIN,

And of their Celebrated:-

"GAS ENGINE OILS,"

MOTOR OILS AND LUBRICANTS.

81 HONOURS AND AWARDS.

ANDERSON'S

"KAPAI" SAUCE

Is a SAUCE OF SATISFACTION.

Used extensively by Hotels, Restaurants, Clubs, etc. Unrivalled for Roast Meats, Chops, Steaks, Cutlets, Gravies, Soups, etc.

8s PER DOZEN SMALL; 14s PER DOZEN LARGE BOTTLES.

SAMPLE BOTTLES SENT FREE ON APPLICATION.

W. ANDERSON, SOLE MANUFACTURER, Takapau, Hawke's Bay.

firing three shots O'Connell fell to the floor, mortally wounded. At almost the same moment the man with whom he had engaged in the deadly duel staggered out of the door. He managed to proceed across Sixth-street, where he fell dead, two of O'Connell's bullets having taken effect, one in the mouth and the other in the abdomen. Stephen Lynch and Louis Delatour, who were in the saloon, were wounded, the former being shot in the abdomen, while Delatour was in a critical condition, his lower jaw being shot away.

THIEVES AT HOTELS.

The London "L.V. Gazette" in December last says:—A most important case affecting the liabilities of hotel-keepers is mentioned in today's issue, and Lord Salvesen's summing up and judgment suggests the question whether it is not possible for hotel proprietors to insure against robberies by hotel thieves. The case in question refers to the traveller of a Birmingham jewellery firm, whose bag of valuables, after being placed in the office of the Imperial Hotel, Edinburgh, was carried off by some other guest or guests staying at the hotel—"the clever work of some swell mobmen"—(to quote Mr. McClure, K.C.)—who left in place of the bag stolen one containing a piece of wood, an old silk hat, a cloth travelling cap,

and two pieces of zinc piping to give it weight. The traveller's samples were insured by the National Burglary Insurance Corporation, who paid their value in full, and through the manufacturing jeweller, whose property the goods were, brought an action against the hotel proprietors for the amount, and have recovered a verdict for £1796. The robbery having taken place as far back as February last, it is not likely that any of the property will be recovered. If commercial travellers can insure their valuable samples, surely it should be equally possible for hotel-keepers to protect themselves against the loss of their guests' goods.

MOST EXTRAVAGANT WHIMS.

A weird form of extravagance was that of a woman named Hiller, who recently buried her husband in a £4000 coffin. The coffin was made of richly-carved mahogany with solid gold mountings (a single knob costing £350), and lined with silk which is said to have cost 3s an inch. The Nizam of Hyderabad has a set of false teeth for which he paid a Madras dentist £700; and Dixie W. Thompson, a wealthy rancher of Santa Barbara, Cal., not long ago spent £750 on a saddle, which is of the finest embossed leather, heavily and most elaborately mounted in silver. Henry G. Marshall lavished £10,000 on a grand piano, exquisitely