finding ought to be construed as meaning that the landlady was managing the publichouse to the exclusion of any authority to Harry Harvey and of any license by him to Buxton to use the house. His Lordship could not so construe the justices' finding. As to the finding that the justices did not consider that there was evidence to justify them in convicting the licensee of the offence charged against her, which they held to be a personal offence, his Lordship understood that to mean that the justices were not satisfied upon the evidence that on the 28th April the licensee knew that betting was going on. As to Harry Harvey, the justices had found that he resided with the landlady, his mother, and assisted her in the management of the publichouse. It seemed to his Lordship that the justices had in their minds the actual words of section 3 of the Betting Act, 1853: " . . . any person having the care or management of or in any manner assisting in conducting the business of any house . . . " shall be guilty of an offence. Mr. Waddy contended that Buxton did not commit the offence, because the only licence was given to him by Harry Harvey. His Lordship would assume that permission was given to Buxton by Harry Harvey only. But Harry Harvey was a person assisting in the management of the premises which, in fact, were being used by Buxton for the purpose of betting, with the knowledge that the premises were so used on several occasions. There was no case to show that in those circumstances the person was not using the house in contravention of the Act, and that there was not that which amounted to a licence or permission to use the house for betting. Mr. Waddy contended that the contrary of this was practically involved in "Rex *v.* Deaville." In that case there were three persons involved, Albert Deaville, John Deaville, and Simpson. The Court quashed the conviction of Albert Deaville and Simpson, and expressly pointed out that the reason for doing so was because evidence had not been given that the occupier's servant knew or saw what was going on. In Simpson's case it was stated that no relationship existed between the defendant and the occupier. As to those two men, the Court thought the case was not distinguishable from casual customers making a bet. But in the case of John Deaville it was proved that he was present on each of the days in question and could see what was going on. The Court held that to be sufficient. He (the Lord Chief Justice) had there used the expression "occupier or his servants," and Mr. Waddy contended that he went too far in using the words "or his servants." His Lordship did not agree that he had gone too far if the word servant was used as meaning a person who was left in charge and assisted in the management, and gave consent to a person coming to the premises to bet. It was abundantly clear by the distinction drawn by Lord Coleridge in "Somerset *v.* Hart," where he said this: "Where no actual knowledge is shown there must, as it seems to me, be something to show either that the gaming took place with the knowledge of some person clothed with the landlord's authority, or that there was something like connivance on his part; that he might have known, but purposely abstained from knowing." In this case the justices did not convict the licensee because they thought the offence was a personal one, and they found that the son, Harry Harvey, was assisting in the management, and knew all about what was going on, and the case came therefore within Lord Coleridge's words because there was some one clothed with the landlady's authority. In "Bond *v.* Evans" gaming had been carried on with the knowledge of the licensee's servant, who was in charge. It was said by Mr. Waddy that there was a distinction between being in charge and assisting in the management. No such distinction ought to be drawn in the present case. The authorities all seemed to establish that a person who was in fact assisting and connived or aided and abetted the use of the place for betting was liable. The point taken for the appellants, therefore, failed, and the conviction must be affirmed.

Mr. JUSTICE BIGHAM thought that it was sufficient to dispose of the case to look at section 3 of the Betting Act, 1853. The purposes referred to in the section were to be found in section 1, and included using a house for persons resorting thereto making bets. He thought there was clear evidence in the present case that Harry Harvey was assisting in conducting the business of the house in question on the material date, and that he, therefore, came within section 3. He further thought that one of the purposes for which the house was then being used was betting, and that Harry Harvey knew of and permitted it. The only question was whether there was evidence to justify the conclusion arrived at by the justices, and in his Lordship's opinion there was such evidence.

Mr. JUSTICE WALTON delivered judgment to the same effect.

[Solicitors—Chambers and Son and Arthur Neal and Co., for appellants; Town Clerk, Sheffield, for respondent.]

EXTRACT FROM NEW ZEALAND GAZETTE.

(From *Gazette*, 1909, page 897.)

Inspector of Factories appointed.

Department of Labour,
Wellington, 27th March, 1909.

HIS Excellency the Governor has been pleased to appoint

Constable ERNEST WILLIAM PENHALLURIACK

to be an Inspector under "The Factories Act, 1908." The appointment is dated the 10th day of March, 1909.

A. W. HOGG,
Minister of Labour.