

first question arising in the cases was, that non-naturalised Chinamen were bound by the provisions of section 21 of the Act, as well as British subjects, whether by naturalisation or otherwise.

As to the second question raised—What constitutes a grocer?—defendants alleged that they were fruiterers who kept a small stock of groceries. From the evidence he was satisfied that they kept a large stock of groceries, a stock larger in point of value than that of fruit. It would, in his opinion, be wrong to say that they were fruiterers with a side line or two of groceries. The business of defendants was as much a grocery business as it was a fruiterers', if not more so. The information must be sustained.

His Worship convicted defendants, and fined them each the nominal penalty (the questions being new) of £1 and costs (£1 18s. 6d.).

*Decision of Stipendiary Magistrate, Christchurch, re Auctioneer employing Assistant on Half-holiday.*

At the Magistrate's Court, before Mr. V. G. Day, S.M., on the 28th August, 1906, an auctioneer was charged with failing to grant an assistant a half-holiday on the 9th August, that being the weekly half-holiday. The action was brought under "The Shops and Offices Act, 1904." Mr. Dougall appeared for defendant.

Mr. Shanaghan prosecuted, and sought to prove that defendant was a shopkeeper within the meaning of the Act. He had held an auction sale of building-material on a section in Hereford Street on the afternoon of the day in question, and employed his son as clerk at that sale.

Mr. Dougall admitted the facts.

Mr. Shanaghan said an auctioneer was a shopkeeper. He retailed goods. Almost all auctioneers sold articles at other than auction hours by private sale, in quantities to suit purchasers, and this constituted, he submitted, keeping a shop. Generally he conceded this by closing his place of business on Thursdays.

His Worship asked whether they were compelled to close. Mr. Shanaghan must prove, too, that defendant retailed goods.

Mr. Shanaghan: At the sale in question goods were being sold in small lots and by single articles. One window was sold alone. He quoted the Act to show that an assistant need not be employed actually in the shop. He then stated on oath that he saw the sale advertised for Thursday afternoon. He went and saw defendant and his son in the conduct of the sale, the son acting as clerk. Several small lots were disposed of, including a single window. The sale was held after 1.30 p.m., and he considered the employment of the son was in contravention of the Act. He was regularly employed on the work of the firm.

Mr. Dougall said it was clear the Act was not meant to apply to auctioneers, who were specifically exempted by section 24. This previously applied only to live-stock auctioneers, but the word "live-stock" had since been deleted. As a matter of fact, there was no Act applying to auctioneers in this direction. Mr. Shanaghan had advanced no proof that this particular mart was a shop.

His Worship said that the only way it could be a shop would be that defendant should add to the stock things of his own and sell them retail on his own behalf.

Mr. Shanaghan said the deletion of the word "live-stock" only applied to auctioneers' offices. He was instructed that the places entitled to be open were those where were sold articles not intended directly for the purchaser's use—that is, wholesale disposal.

After further discussion, His Worship said he would dismiss the information. It was admitted that the auction-room was closed, and that the sale was taking place elsewhere. The clerk was not a shop-assistant. He was employed after 1 o'clock as an office-assistant, and auctioneers' offices were not compelled to close. There was thus no breach of the Act. He did not say that defendant could sell on his own premises, but that point was not before him. In this case the place he was selling at was not a shop, and he was not selling his own goods. He was acting merely as an agent. Mr. Shanaghan had, of course, the right to take further steps. His Worship might be set right, and would be glad to be corrected if he had come to a wrong decision.

SEPTEMBER, 1906.

*Auckland.*—(Shops and Offices Act): Three shopkeepers were each fined £2, with costs 7s., for failing to close their shops on the statutory half-holiday. In each case the shop-door was closed but not locked. The Magistrate emphasized that the doors must be effectually closed against the admission of the public, and if the shop-door was the only entrance to the living-apartments, they should have a separate entrance.

*Pahiatua.*—(Factories Act): A cabinetmaker was fined 5s., with 7s. costs, on each of two charges—(1) for employing a boy under sixteen years of age without a certificate of fitness, and (2) for employing a boy under fourteen years of age.

*Wellington.*—(Factories Act): A firewood cutter was fined £2, with 7s. costs, for failing to register his premises as a factory.

(Shops and Offices Act): A grocer was fined 10s., with 7s. costs, for failing to close his shop on the statutory half-holiday, and ordered to pay costs 7s. for failing to give his assistant a half-holiday. A tobacconist was fined £3, with costs £3 10s., for failing to close his shop in accordance with requisition from tobacconists fixing closing-hours.

(Labour Department Act): A Chinese fruiterer was fined £3, with costs £3 10s., for failing to supply written information required by section 7 of the Act.

*Pictou.*—(Shops and Offices Act): A case against a shopkeeper for employing an assistant between 9.30 p.m. and 10 p.m. on a Saturday, when the hour fixed by the Act is 9 o'clock, was dismissed by the Magistrate on the grounds that the requisition in force fixing the closing-hour on