

per week). A conviction was recorded against same defendants for having failed to keep a record of persons employed as prescribed by section 3 of "The Factories Act Amendment Act, 1905."

Hampden.—(Shearers' Accommodation Act): The manager of a station was charged with having failed to provide proper and sufficient accommodation for shearers as ordered by the Inspector. Defendant was ordered to provide the necessary accommodation for nine shearers by the 30th November, 1906, and also to pay costs amounting to £1 10s.

Dunedin.—(Factories Act): A gas company was fined £1 on each of two charges of having failed to pay wages for overtime worked, and 10s. for having failed to keep record of overtime, together with costs amounting to £5 16s. The defence contended that the gasworks was not a factory under the Act.

(Shops and Offices Act): A fruiterer, confectioner, &c., was fined £3, with 7s. costs, for failing to close on the statutory half-holiday. The Inspector stated that defendant sold cigarettes, butter, and eggs, besides fruit, and he was therefore not exempted from closing. Defendant had admitted the offence.

NOVEMBER, 1906.

Auckland.—(Factories Act): A manager for a firm of cycle agents was fined 5s. for employing a boy under sixteen without certificate of fitness.

(Shops and Offices Act): For failing to close his shop at 9.30 p.m. on a Saturday in accordance with gazetted requisition from bootmakers fixing the closing hours in the trade, a bootmaker was fined 5s. and costs. On a second charge of employing a factory-assistant in shop on Saturday afternoon he was fined 5s. and costs. Defendant stated that assistant came voluntarily and received no remuneration.

Napier.—(Factories Act): A baker at Clive was fined £1, with £1 10s. costs, for failing to pay overtime fortnightly, and £1, with £1 8s. costs, for failing to keep an overtime-book.

Wanganui.—(Shops and Offices Act): A crockery-merchant was fined 7s. 5d. (1d. per day), with 11s. costs, for failing to pay an employee her full wages. The Stipendiary Magistrate ordered back wages to be paid (10s.). The girl had made a mistake in giving change at the counter, and her wages were stopped to make up the amount.

Hunterville.—(Factories Act): The manager of a dairy factory was fined 10s., with 14s. costs, for failing to keep a record of all persons employed in factory under twenty years of age; and 10s., with 7s. costs, for failing to exhibit in factory Form E (showing hours, &c.), as prescribed by Act.

Dannevirke.—(Factories Act): A factory-owner was fined £1, with 7s. costs, on each of two charges—(1) failing to keep a record of all persons employed in his factory; (2) failing to keep an overtime-book.

Wellington.—(Shops and Offices Act): A firm of cabinetmakers were fined £1, with 7s. costs, for employing an assistant after 9 p.m. on Saturday.

(Factories Act): A laundry-keeper was fined £1, with 7s. costs, on each of three charges—(1) failing to keep wages-book; (2) failing to keep overtime-book; (3) employing four girls at overtime without first obtaining permit.

Christchurch.—(Factories Act): A baker was fined 10s., with 7s. costs, for failing to keep a time and wages book.

Otorohanga.—(Shops and Offices Act): On 22nd November, 1906, five shopkeepers (all of Te Kuiti) were each convicted and ordered to pay costs, 3s. 6d. in each case, for failing to close on the statutory half-holiday.

Invercargill.—(Shops and Offices Act): A grocer was fined £5, with 17s. costs, for failing to close at 1 o'clock on the weekly half-holiday. A second charge for employing an assistant later than half an hour after the time of closing was struck out. (For full report see page 77.)

SHOPS AND OFFICES ACT.

Decision by Stipendiary Magistrate, Mr. S. E. McCarthy, 2nd November, 1906.

Information charging defendant for that he, being the occupier of a "shop" within the meaning of "The Shops and Offices Act, 1904," and its amendments, did, on the 3rd day of October, 1906, fail to close his shop at the hour of 1 of the clock for the remainder of the day.

Inspector Browett appeared in person; Mr. James Harvey appeared for the defence, and pleaded "Not guilty."

The information was heard on the 29th instant, when judgment was reserved, which is now given as follows:—

The Boroughs of Invercargill, East Invercargill, North Invercargill, South Invercargill, Avenal, and Gladstone constitute the Combined District of Invercargill within the meaning of subsections (2) and (3) of section 8 of "The Shops and Offices Act, 1904," and for that district the statutory closing-day is Wednesday, on which day in each week all shops in the combined district are directed to be closed at the hour of 1 o'clock in the afternoon for the remainder of the day (see section 9).

As to whether a shop is or is not closed is a question of fact to be determined by the circumstances of each particular case. It is, however, provided by section 17 that "a shop shall not be deemed to be closed if it is not locked or otherwise effectually closed against the admission of the public, or if the occupier or any of his assistants are engaged in canvassing for orders or delivering goods to customers; but when a shop and factory have a common entrance it will be sufficient for the purposes of the Act if such entrance is closed and not locked." Section 17 is not meant to be an exhaustive definition of "closing." It merely enacts that on proof of certain facts the shop shall not be deemed to be closed.