

Pharmacy Act are immaterial. If a chemist, duly registered, can be liable for keeping open his shop during the hours it is directed to be closed, much more can an unregistered chemist. A shop is none the less a chemist's shop because it is kept by an unregistered chemist. The questions for determination are—(1) Was defendant's shop a chemist's shop? and (2) Was it kept open during prohibited hours? Each of these questions must in the present case be answered in the affirmative. Defendant must therefore be convicted, and he is convicted accordingly and fined £2, and ordered to pay the costs.

WORKERS' LIABILITY.—A BROKEN CONTRACT.

Hearing, 24th February, 1910.

At the Magistrate's Court, Gisborne, before Mr. W. A. Barton, S.M., a local employer proceeded against a blacksmith, of Christchurch, claiming damages amounting to £19 10s. Counsel stated that the employer was bringing the case against the man to serve as a warning to others, and not to make anything out of it.

The plaintiff gave evidence that he met defendant in Christchurch in the first week in December, in reply to an advertisement for a smith. He engaged defendant and wired this to his foreman in Gisborne, and a man was dismissed from the works here. This man left on the day defendant was to have arrived. An arrangement was made that defendant had to arrive on the 16th December. On that date defendant wired that owing to a serious accident he could not come for a day or two. Plaintiff on the same day, wired, "Unfortunate; reply what date can arrive." He received no reply to this, and on the 23rd again wired, but got no reply. On the 29th plaintiff wired that if defendant did not definitely reply the engagement would be cancelled. He received a reply, asking for plaintiff to forward a ticket. This was wired to the union office at Christchurch. On the 3rd January plaintiff again wired to know why defendant had not come. He received no reply, and on the 18th January wired to defendant that the contract having been broken by defendant, he had cancelled the engagement and was going to sue for damages. Plaintiff had had to refuse a lot of orders, and work had to be delayed, owing to the non-arrival of the defendant. He estimated his actual loss was between £40 and £50.

His Worship said it was difficult to assess the amount of damage, but there was no doubt he was entitled to some compensation. Judgment was given for £15, with costs £2 6s.

MISCELLANEOUS DECISIONS.

Auckland.—(Factories Act): Before Mr. Dyer, S.M., a case against a firm of dairy-implement manufacturers, for failing to guard a machine while being used by a boy, was dismissed. The boy was seriously injured, and admitted that the accident was caused through his own neglect. The Magistrate held that the Factories Act did not prohibit inexperienced boys being put to work on such machines, and that no breach of the Factories Act, section 39, (c), had been committed.

Auckland.—(Servants' Registry Offices Act): A registry-office keeper was fined £5, with costs 11s., for engaging a servant for another person and charging a fee of 2s. 6d. without having a license under the Act. He took over the business from his partner, who had held a license, and pleaded that he understood that the business carried the license with it. The maximum fine was imposed, as the defendant had been previously convicted for a similar offence.

Napier.—(Shops and Offices Act): A Puketapu hotelkeeper was fined £1, with 11s. costs, for failing to give two hotel-assistants a weekly half-holiday.

Auckland.—(Factories Act): Before Mr. E. C. Cutten, S.M., three Chinese laundry-keepers were each fined £1, with 7s. costs, for failing to keep time and wages books in accordance with section 17 of Act.

Opunake.—(Factories Act): Before Mr. H. S. Fitzherbert, S.M., a sawmilling company was fined £1 1s., with 7s. costs, for failing to pay wages fortnightly. On sixteen other similar charges convictions were recorded.

(Shops and Offices Act): For a similar offence the same company was fined 10s. In all cases arrears of wages amounting to £230 had been paid to employees since the informations were laid.

Wanganui.—(Factories Act): Before Mr. Kerr, S.M., a Chinese laundry-keeper, was charged with (1) failing to pay wages to an employee, and (2) failing to keep proper books as provided for by section 17 of the Act. Counsel for the defence produced a deed of partnership, but admitted that the employee had worked for a period of twenty weeks before he became entitled to any share in the partnership, which fact, the Inspector submitted, constituted him an employee, and that the deed of partnership had evidently been drawn up for no other purpose than to evade the Act. The Magistrate held that the deed was a legal one, and made the employee a partner. As there was some doubt, the defendant would have to get the benefit of it, and the case was accordingly dismissed.

Dunedin.—(Wages Protection and Contractors' Lien Act): Before Mr. J. R. Bartholomew, S.M., a firm of sawmillers were fined £1, with 7s. costs, for receiving from an employee, the sum of 2s. 1d. in respect of a policy of accident insurance. Two other similar charges were withdrawn. The Stipendiary Magistrate pointed out that the offence was highly penal, but, as it was the first case in the district, he would inflict only a nominal penalty.

Wanganui.—(Shops and Offices Act): Before Mr. W. Kerr, S.M.: A grocer was fined £1, with 7s. costs, for employing a shop-assistant after 1 p.m. on the statutory half-holiday. The man was employed delivering goods at Marton (half-holiday, Wednesday) on Thursday (half-holiday for Wanganui combined district). Defendant contended that as the alleged offence was committed outside the Wanganui boundary there was no breach; also, that the law relating to the half-holiday applied to an assistant only while he was employed in the district to which the half-holiday applied. The Stipendiary Magistrate, however, ruled that the Act was quite clear on the point that the half-holiday must be given on the day on which the shop is closed, no matter what district the cart is in.