

excluded. Is not this a test as to whether there is a real partnership or not? There being nothing to the contrary in the agreement, as I read it, a partner is entitled under section 27 of "The Partnership Act, 1891," to an equal share in the *capital* and profits of the business. Would the defendant admit that? And if he were to say, "No; this man only gets (or is to get) wages and 5 per cent. of the profits and no part of the assets, whether the partnership is dissolved to-morrow or ten years hence," would one not be justified in saying, "Then there is a partnership in name only, and it is a mere device to evade the law"? I do not believe there is a partnership. In my opinion, the so-called agreement is only a sham. This man is not a partner, but a servant masquerading for one particular purpose only under the name of partner.

Defendant is fined £2, and costs 7s.; counsel's fee, £1 1s.

#### FEBRUARY, 1907.

*Auckland.*—(Factories Act): A laundry-keeper was fined 5s. for employing two girls on Saturday afternoon. A firm of engineers were fined 10s., with 7s. costs, on two charges (5s. each) for failing to pay a boy under eighteen years for Christmas Day and New Year's Day. For failing to pay six females for Christmas and New Year's Day a tailor was fined 5s., with 7s. costs, on each charge (total, £1 10s.; costs, £2 2s.), and for failing to pay one female for Saturday afternoon, 5s., with 7s. costs.

(Shops and Offices Act): For failing to close his shop at the hour prescribed under gazetted requisition from shopkeepers fixing closing-hours, a firm of bootmakers was fined £1, with 7s. costs. A hairdresser was fined £4, with costs, 7s., for failing to close on the statutory half-holiday. Before pronouncing the amount of the fines in these cases, the S.M. remarked that if he considered that the gain by keeping open was more, he would fine accordingly, as he intended teaching those who broke the law that it would not pay them to do so.

*Otorohanga.*—(Shops and Offices Act): On 25th January, 1907, a storekeeper was fined £2, with £1 5s. costs, for failing to close his shop at 6 p.m. in accordance with gazetted requisition from shopkeepers fixing closing-hours. For failing to close on the statutory half-holiday a saddler was convicted, and ordered to pay costs, 3s. 6d.

*Wanganui.*—(Factories Act): The proprietors of a cheese factory were fined 10s., with 10s. costs, for failing to register their factory.

*Palmerston North.*—(Shops and Offices Act): A hairdresser was fined £2, with 7s. costs, for employing assistants later than 8 p.m., the prescribed hour. On a similar charge another shopkeeper was fined £1, with 7s. costs.

*Masterton.*—(Shops and Offices Act): For failing to close his shop at 6 p.m., the hour prescribed under gazetted requisition from shopkeepers fixing the closing-hours, a clothier was fined £2, with 7s. costs.

*Wellington.*—(Factories Act): A laundry-keeper was fined £5, with £4 1s. costs, on each of two charges: (1) For working girls overtime without a permit; (2) for failing to keep an overtime-book. The evidence showed that the girls had been seriously overworked; hence heavy penalties. The Magistrate remarked that the latter offence was evidently designed to "cover up the tracks" of the first. For failing to register his factory, the manager of an oil company was fined £1, with 7s. costs. The manager of a drapery company was fined 10s., with 7s. costs, for failing to pay four girls for Christmas and New Year's Days.

(Shops and Offices Act): On two charges—(1) for employing two assistants after 6 p.m. without a permit; (2) for failing to pay them overtime—the manager of a firm of drapers was fined £1, with 7s. costs, on each charge. Two firms of butchers were each fined £1, with 7s. costs, for failing to close their shops at 5.30 and 9 p.m. respectively, in accordance with gazetted requisition from butchers fixing the closing-hours.

*Reefton.*—(Shops and Offices Act): For failing to close his shop at 6 p.m., in accordance with gazetted requisition from shopkeepers fixing closing-hours, a fruiterer and confectioner was fined 10s., with costs 7s.

*Christchurch.*—(Factories Act): A firm of saddlers were convicted on a charge of employing a school-boy under fourteen years of age in their factory. A laundry-keeper, Lyttelton, was fined £1, with 7s. costs, for employing a girl later than 6 p.m. without an overtime permit.

*Kurow.*—(Shearers' Accommodation Act): For failing to provide accommodation at a station as required by the Inspector, an order was made against the manager requiring repairs to be made by 30th September, 1907. Costs amounting to £8 9s. 10d. were allowed Inspector.

#### MARCH, 1907.

*Auckland.*—(Factories Act): A dressmaker was fined 10s., and costs 9s., in one case, and convicted, with 9s. costs, in the second case, for employing girls on Saturday afternoon.

(Shops and Offices Act): A shopkeeper was fined £5, and costs 7s., for failing to close on the statutory half-holiday. (In this case defendant had reopened in the evening of the half-holiday, thus obtaining advantage over other shopkeepers.) A fruiterer, &c., was fined 10s., and 7s. costs, for failing to close on the statutory half-holiday. (She sold tobacco, &c., in addition to fruit.) A shopkeeper was fined £1 10s., and £1 1s. costs, for employing three shop-assistants after prescribed time on Saturday evening. A shopkeeper was fined 10s., and 7s. costs, for failing to close on the statutory half-holiday. (He was a fruiterer, but had also sold cigarettes, &c.)

*Hamilton.*—(Factories Act): A firm of brewers were fined £2, and 17s. costs, for failing to keep overtime-book; £1, and 7s. costs, for employing a boy on Saturday afternoon; and £1, and 7s. costs, for employing a boy under sixteen years of age for more than forty-five hours per week. A firm of flax-millers were fined £1, and 7s. costs, in each of four cases for failing to pay for overtime.