without on each occasion sealing up the irrelevant entries, their secretary upon an inspection stating on oath that no parts of the books that were material had been covered up during it.

QUEEN'S BENCH DIVISION.

LONDON, 13 March, 1897.

HAWKE (appellant) v. DUNN (respondent).—32 L.J.

Gaming—"Place" used for purpose of betting—Betting Act, 1853 (16 & 17 *Vict.*, *c.* 119), *ss.* 1, 3.

Case stated by justices.

An information was preferred by the appellant under section 3 of the Betting Act, 1853, against the respondent for unlawfully using a certain place—to wit, an inclosure known as the 1*l.* or Tattersall's Ring—for the purpose of betting with persons resorting thereto upon certain events and contingencies of and relating to horse-racing.

By section 1 of the Act, "No house, office, room, or other place shall be opened, kept, or used for the purpose of.....any person using the same.....betting with persons resorting thereto."

By section 3, "Any person who being the owner or occupier of any house, office, room, or other place, or a person using the same, shall.....use the same for the purposes hereinbefore mentioned, or either of them," is made liable to a penalty.

Tattersall's Ring is inclosed by a fence or paling about breast high, and is about forty yards long by thirty yards wide, and capable of containing more than 1,000 persons. Upon the occasion of a race meeting the respondent, a professional bookmaker, was with about 1,000 other persons present in Tattersall's Ring. He shouted the odds and made bets with every person who would bet with him. He did not confine himself to any fixed spot, and had no stool, umbrella, or anything in the nature of a fixture to denote where he carried on betting, but moved about.

The justices being of opinion that the respondent could not be convicted unless he had a certain fixed place from which he never moved, such as a stool or umbrella, dismissed the information.