

subject, had signed an agreement in writing to take up arms for the late South African Republic, which was then at war with Great Britain, and had thereafter taken an oath of allegiance to the enemy during the war. The Divisional Court (Lord Alverstone, C.J., and Wills and Channell, JJ.) unanimously came to the conclusion that the Act relied on does not empower a British subject to become naturalized in an enemy state in time of war; and that the act of becoming naturalized under such circumstances was itself an act of treason, and consequently afforded no protection to the prisoner, and judgment was given for the Crown on the point of law.

GAMING—PLACE USED FOR BETTING—BAR OF PUBLIC HOUSE—BETTING ACT, 1853 (16 & 17 VICT., c. 119) s. 3—(CR. CODE, s. 197).

The King v. Deaville, (1903) 1 K.B. 468, was a case stated by Justices in which the Court for Crown Cases Reserved (Lord Alverstone, C.J., and Wills, Wright, Bruce, and Ridley, JJ.), following *Belton v. Busby* (1899) 2 O.B. 280 (noted ante vol. 35, p. 679) and *Tromans v. Hodgkinson* (1903) 1 K.B. 30 (noted ante, p. 187), held that where a bookmaker is in the habit of frequenting the bar of a public house for the purpose of carrying on the business of ready money betting with other persons resorting there, but does not for the purposes of that business occupy any specific part of the bar, the question of whether he uses the bar for the purpose of betting within the meaning of the Betting Act, 1853, s. 3 (see Cr. Code, s. 197) depends on whether he carries on his betting business there with the knowledge and permission of the occupier of the house. The conviction of the prisoner was affirmed where the knowledge and permission of the occupier to his use of the bar for betting was proved; but in two other cases, argued at the same time, the convictions were quashed for want of such evidence.

STATUTE OF FRAUDS, s. 4 (R.S.O. c. 338, s. 5)—CONTRACT TO BE PERFORMED WITHIN A YEAR.

In *Smith v. Gold Coast*, (1903) 1 K.B. 538, the Court of Appeal (Williams, Stirling, and Mathew, L.JJ.) have affirmed the decision of the Divisional Court (1903) 1 K.B. 285.