questions put to us in the case are as follows: As to the first question, we say that this case is not distinguishable in principle from the case of *Booth v. Ferrett*. As to the second question, we say that the case of *Booth v. Ferrett* was wrongly decided. As to the third question, we say that the respondent's lodging-house was a common lodging-house within the Acts of 1851 and 1853. These answers render it unnecessary to consider the question of the admissibility of the evidence tendered by the appellant and rejected by the magistrate. The result is that the appeal will be allowed, and that the case will be remitted to the learned magistrate, with an intimation of our judgment upon it. Under the circumstances there will be no costs of the appeal, and, having regard to the decision of *Booth v. Ferrett*, on which the respondent was justified in acting, the learned magistrate will, no doubt, think that the smallest nominal fine will meet the justice of the case. We desire to say that we should regret if the result of our decision were seriously to interfere with the humane work of the respondent. We do not think it will or can, but, whether it does or not, the law must be observed. We have read the careful regulations framed for the good government of "The Harbour" and the respondent's other similar houses, and noticed the anxiety manifested in those rules not only to insure observance of all conditions necessary to secure cleanliness and good health, and to prevent the growth and the spread of disease, but also to observe the law, whatever that law may be. Indeed, part 2, chapter 2, rule 24 of the respondent's regulations expressly provides that every shelter shall be fitted up in accordance with the requirements of the sanitary authorities of the district. On the other hand, we trust that those who are charged with the enforcement of the law will do all they can, consistently with their duty and with effecting the objects of the law, to avoid anything like harshness or unreasonableness in its enforcement.

Appeal allowed.

MAGISTRATE'S CASE.

February 1st and 2nd.

BEFORE CHANNELL AND BUCKNILL, JJ.

LOGSDON v. TROTTER.

Local Government — Common Lodging-house — Non-Registration — House Furnished with Separate Cubicles containing Single Beds for Men — Common Lodging-houses Act, 1851 (14 and 15 Vic., cap. 28), section 7.

Case stated by a Metropolitan police magistrate, who had dismissed the information of the appellant on behalf of the London County Council against respondent, charging him with keeping a common lodging-house, and receiving lodgers therein, which had not been inspected and approved by the local authority and registered under the Common Lodging-houses Act, 1851.

The house, known as the "Victoria Home," was situate in the Whitechapel Road, and was one of three houses the property of a body of trustees, of whom the respondent was one. The trustees established and carried on the "home" under the terms of a deed whereby they agreed to hold certain property for the purpose of establishing and carrying on an institution called "The Emigrants' and Working Men's

Home Association." This home had accommodation for 128 men lodgers—that is to say, it contained 128 single-bedded cubicles or bedrooms and certain rooms used in common. Each cubicle was 6 feet 6 inches long, 4 feet 6 inches wide, and the partitions were 6 feet 6 inches high. Each lodger paid 6d. or 8d. a night, according to the position of the cubicle he occupied, and for that sum was entitled to the use of the common rooms and of the kitchen in an adjoining building. The practice, however, of lodgers cooking their own food was not encouraged by the trustees. Regard was had to the moral and spiritual welfare of the lodgers, and efforts made to find them situations and assist them in illness. A certain number of the lodgers were of a better class than the "dossers class," but the majority were of that class. Men only were admitted. Men drunk or disorderly, or suspected of being criminals or of being verminous, were not admitted; but with this saving, all comers, being men, were admitted on payment.

The home was carried on at a profit, which was appropriated to the charitable objects of the trust. A considerable portion of the sum for its erection and for the purchase of the site had been subscribed by friends of the institution as a gift.

The learned magistrate, whose decision was given before the decision in *Logsdon v. Booth*,* dismissed the information upon the ground that the house was not carried on for profit, but solely for assisting the poorer classes of the population, and that the facts could not be distinguished from those in *Booth v. Ferrett*.

A. R. Jelf, Q.C., and W. C. Ryde for the appellant.

F. F. Daldy for the respondent.

Cur. adv. vult.

February 2nd.

The COURT (CHANNELL and BUCKNILL, JJ.) held that the house in question came within the scope of the decision in *Logsdon v. Booth*, and was therefore a common lodging-house like the Salvation Army Shelter.

Appeal allowed.

CORRESPONDENCE.

DEFINITION OF "HOUSE."

TO THE EDITOR OF "PUBLIC HEALTH."

SIR,

The appended case of *Kimber v. Admans*, heard in the Court of Appeal, before the Master of the Rolls and two Lords Justices, on February 16th, and reported in the *Times* of 17th, is so important that I beg you will insert it in your current issue for the purpose of at once placing on record the rapidly varying legal decisions as to what constitutes a "house." This decision in the case of *Kimber v. Admans* appears to be diametrically opposite to that in the case of *Rogers v. Hosegood*, quoted in my paper on "Separate Dwellings," published in the February number of PUBLIC HEALTH (p. 312).

I am, Sir,

Yours, etc.,

JOHN F. J. SYKES.

February 20th, 1900.

* *Vide supra*.