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was also wrong in holding that the agreement precluded the wife from enforcing the claim which she made on behalf of her child. I may add that, even if she could preclude herself from making a claim on behalf of her child, there is nothing in the agreement which can properly be read as doing so.

Appeal allowed. Case remitted to Court of General Sessions with the opinion of this Court that the Chairman of General Sessions was not right in quashing the order. Case to be heard and determined consistently with this opinion. Respondent to pay costs in the Supreme Court and in this Court.

Solicitors for the appellants, *Maddock, Jamieson & Lonie.*
Solicitor for the respondent, *M. V. O'Neill.*

B. L.

[HIGH COURT OF AUSTRALIA.]

VOCKLER . . . . . APPELLANT;

AND

KING AND ANOTHER . . . . . RESPONDENTS.

ON APPEAL FROM THE SUPREME COURT OF NEW SOUTH WALES.

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MELBOURNE, *June* 16.

Barton, Isaacs, Gavan Duffy and Rich JJ.

Gaming and Betting—Advertisement—Information as to horse-races—Intent to induce application to house—Betting-house—Gaming and Betting Act 1912 (*N.S.W.*) (*No.* 25 *of* 1912), *sec.* 47.

Sec. 47 of the *Gaming and Betting Act* 1912 (N.S.W.) provides (*inter alia*) that whosoever publishes or causes to be published any advertisement "(*b*) with intent to induce any person to apply to any house, office, room, or place,

or person with a view of obtaining information or advice . . with respect to " any event or contingency relating to horse-races, &c., shall be liable to a certain penalty.

Held, that in order to constitute an offence under the section it is not necessary that the house, office, room or place should be one used as a betting-house within the meaning of the Act.

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Special leave to appeal from the Supreme Court of New South Wales: *Ex parte Vockler*, 19 S.R. (N.S.W.), 163, refused.

APPLICATION for special leave to appeal.

At the Central Police Court, Sydney, before Mr. *McKensey* S.M., an information was heard whereby John Charles King charged that Alfred Vockler did on 14th March 1919 cause to be published in the *Sun* newspaper an advertisement with intent to induce any person to apply to an office situate at Gibbs Chambers, 7 Moore Street, Sydney, with a view to obtaining information or advice with respect to an event or contingency relating to a horse-race.

The advertisement stated that Vockler was the editor and founder of Vockler's *Turf Searchlight*, and contained the following statements:—" A treble programme will be included in Vockler's *Turf Searchlight* issued at 9 a.m. to-morrow. Rosehill, Rosebery, Flemington (Newmarket Handicap), Australian Cup. The *Searchlight* forecasted the winning double last year—Cetigne and Defence. Will history repeat itself? Wait, watch and see. The *Searchlight's* great record for consistency. 27 winners for the last five meetings." " The *Searchlight* is only obtainable at Gibbs Chambers, 7 Moore Street, Sydney." The issue of the *Turf Searchlight* for 15th March 1919 contained tips for various forthcoming horse-races. There was no evidence that the office at Gibbs Chambers was used as a betting-house.

The defendant, having been convicted, obtained a rule *nisi* for a prohibition on the ground (*inter alia*) that the publication of the advertisement was not an offence within the meaning of sec. 47 of the *Gaming and Betting Act* 1912. The Full Court discharged the rule *nisi*: *Ex parte Vockler* (1).

The defendant now applied for special leave to appeal from that decision to the High Court.

(1) 19 S.R. (N.S.W.), 163.

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Bryant, in support of the application. Part III. of the *Gaming and Betting Act* 1912, in which sec. 47 occurs, deals with the suppression of betting-houses. The words "house, office, room, or place" are used in the other sections in Part III. as meaning a house, &c., used as a betting-house, and they should be read with that meaning in sec. 47 (*Prior* v. *Sherwood* (1)). That section is intended to cover the case of an invitation to a place where the invitee will obtain advice as to a bet to be made there, and does not include a case where the advice to be given will be as to bets to be made on a race-course, which are permitted by the Act. [Counsel also referred to *Cox* v. *Andrews* (2); *Stoddart* v. *Sagar* (3); *Potter* v. *Ridsdale* (4).]

BARTON J. The Court will not grant special leave. Speaking for myself, I do not see any reason for doubting the conclusion at which the Supreme Court arrived.

ISAACS J. I agree.

GAVAN DUFFY J. I agree.

RICH J. I agree.

Special leave to appeal refused.

Solicitors, *Webster & Maclean*, Sydney.

B. L.

(1) 3 C.L.R. 1054.
(2) 12 Q.B.D., 126.
(3) (1895) 2 Q.B., 474.
(4) 13 N.S.W.L.R. (L.), 248.