

42. In order to facilitate the achievement of the purposes of the Act it was prescribed that bookmakers might follow their calling upon racecourses and to that end all racing clubs authorized to use a totalizator were required to license fit persons to operate as bookmakers upon their courses at a licence fee which, to ensure moderation, the Legislature prescribed should not exceed £20 for every day of the currency of the licence.

43. Much of this legislation, despite changed circumstances and despite the obvious accrual of detrimental results, still remains a feature of the statute law of the country. The first, but not by any means the least or only weakness of the Act, viewed in retrospect, was that it failed to take into account the possible consequences of the hostility which then existed between the administrative officials of the racing clubs and the bookmakers. It was contended before us that this hostility was so bitter that the racing clubs, with a view to discrediting bookmakers, did not scruple to grant a licence to any rogue or vagabond who might make application for one and have sufficient money to pay the fee. However that may be, the results of the licensing system were disastrous. The country was invaded by men of criminal tendencies and the whole position became a scandal; in fact, it became so scandalous that, despite all precedent to the contrary, reference was made to it in emphatic terms by Mr. Justice Chapman from the Supreme Court Bench. After referring to the fact that it was unusual for a Judge to criticize the law of the land, he said that he nevertheless felt it was his duty to say that recent legislation passed by the New Zealand Parliament had produced a very degrading effect on a certain section of the population of the country. He felt it incumbent upon him, he said, to openly condemn a law which legalized the operations of a section who came very close to the criminal class. There might be honest bookmakers, he said, but as a class they were treated by civilized communities as persons for the most part without lawful means of support. It was regrettable, he thought, that the New Zealand Parliament had seen fit to call them into a recognized class and to legalize their calling. It was, in his view, one of the gravest mistakes legislators in the Dominion had made. He thought the sooner the whole matter was reconsidered by the legislators the better it would be in the interests of morality and honesty. He believed he was speaking in accord with the view held by every Judge and Magistrate in the country, as well as by police officers and others administering the criminal laws, when he declared the result of the law in question was the direct encouragement of a criminal class. He felt justified in expressing himself as he had done in the interests of public morality.