

ately claimed for a member of the public, that he is merely breaking a law which exceeds the moral standards of conduct of the community. In his case there is a definite and deliberate breach of a solemn personal undertaking which, in the case of owners in particular, is set forth in Rule 243 (1) of the Rules of Racing as follows :—

By the entering of a horse for any race every person having, or subsequently acquiring, an interest in such horse, shall be deemed thereby to undertake, neither directly nor indirectly, to make any wager with a bookmaker in connection with such horse or any other horse in the race for which such horse is entered. Every entry shall contain, or if it does not contain, shall be conclusively assumed to contain, such an undertaking, breach whereof shall be deemed to be a corrupt practice within the meaning of Rule 338 hereof.

Complacency in respect of the disregard of such an undertaking must obviously tend to encourage disregard of other obligations which vitally affect fair practice. The interests of the public are thereby prejudiced and a lowering of ethical standards results.

172. Mr. Heenan desires to advert to another practice, which was discussed during our public sittings, a practice which he considers is productive of ill consequences. This practice does not seem to him to be treated with sufficient seriousness by clubs. We refer to the racing of horses into form. In his opinion, it is no answer to say that in most cases the public are aware of a particular horse not being fit enough to win. Over the years many thousands of pounds have been lost by the public through their being reluctant to allow a known good horse to go out paying a big dividend. Trainers to whom the question was put, while, in general, agreeing that the training track was the place to get a horse fit, always made a reservation of the exceptional horse which they claimed needs a race in public. While it cannot be doubted that a horse can and does progressively improve its quality or class by racing against its equals or superiors, that is another matter. What is at issue is the propriety of racing a horse into form. Mr. Heenan finds himself unable to accept the contention that such a practice is necessary. The fact that so many trainers claimed that in some instances it is necessary indicates, he thinks, that racing horses into form is a fairly common practice. In his view, therefore, it is due to the racing public that much more unfavourable notice should be taken of it by clubs than is now done. Complementary to this practice is that of racing a fit horse out of his distance with no thought or hope of winning, but merely to sharpen him up for a race in prospect at his own distance.

173. There are also a number of related topics to which Mr. Heenan is desirous of adverting. He says that much is said and much is heard of jockeys combining together to secure a previously determined result of a race. In general, he thinks it can safely be said that for the most part this is no more than lost money talking, and in this relation he