

"Malacca case" has not, in Mr. Heenan's view, ever been paralleled. He is of opinion that, though prompt action was taken after the race, there is no doubt but that a little more imagination on the part of the officials of the club concerned would have prevented this notorious effort being brought to fruition.

174. Evidence was given before the Commission by at least one witness who testified to what he believed to be a well-founded belief that there existed in New Zealand to-day a coterie of people who, perhaps not habitually, but at least on occasion, attempt, with some success, to influence the results of races. Such as belief is not singular to the witness referred to, but is believed by a great number of people interested in racing. The belief that owners do not always desire to win and do on occasion take steps to ensure failure, finds some confirmation in the evidence of Mr. W. J. Broughton, the well-known jockey, who made some point of the dilemma in which jockeys are placed when their instructions conflict with their duty to do their best to win.

175. Under the rules of racing as they stand, counsel for the New Zealand Racing Conference was justified in his comment that in respect of such matters suspicion is not enough, and that before any action can be taken the officials of the Conference must be able to adduce convincing evidence of guilt. There is much to be said for the legal validity of such an attitude, but, on the other hand, it seems, to say the least of it, undesirable that persons under a reasonable and persistent suspicion of robbing the public by arranging the results of races or by arranging for their own horses to lose should be permitted to continue their nefarious practices until they can be proved guilty. It would not perhaps be just to subject any individual to the stigma of disqualification, with its attendant publicity, unless his guilt were proven, but, having regard to the fact that racing is, after all, only a sport, that its purity must be maintained and the interests of the public safeguarded, there would seem to be justification for the enactment of a rule conferring jurisdiction on the executive committee of the Conference, upon being satisfied after hearing the individual concerned, that a well-grounded suspicion exists that any individual has been guilty of a corrupt practice by private notification to exclude such individual from the racecourses of the country. A right of appeal to Conference judges could be made available. Such exclusion would not, of course, prevent unscrupulous individuals from continuing to attempt to interfere with the results of races, but, by making their presence on the course impossible, it would deny them, at least in their own proper person, any late opportunity of interference, and this might go far towards defeating their ends. Then, too, the mere existence of the rule would act as a deterrent.