

264. More important, perhaps, than any one of these factors taken alone, is the fact that scratching during the day might ultimately involve the payment of a dividend on the first and second horses only, whereas during the course of the betting on the pre-investment machine, investors might have been induced to believe, by reason of the state of the card as it then stood, that three dividends would be paid. This would result in an infringement of the firmly established general practice which requires the payment of the number of dividends on each race which the investing public is entitled to believe during the course of the betting will be paid. Compliance with this practice might thus require the payment of three dividends in respect of pre-investment betting, whilst only two dividends would be payable on the betting which took place during the normal period. Three dividends could not, of course, be paid on the pre-investment betting, but investors on that particular machine might well be left with a cause of complaint. It is better, therefore, not to encourage the adoption of an expedient which might be productive of uncertainty, difficulty, and, possibly, dissatisfaction. No doubt the Metropolitan Trotting Club and other clubs similarly situated will find an alternative remedy, either by extending the time for betting or by establishing additional receiving depots at appropriate points on the course.

SECTION 9.—AGENCY BETTING

265. Having regard to the frequency with which friends on the racecourse purchase tickets on the totalizator for one another, and the obvious innocence of such proceedings, the Racing Conference suggested that section 53 of the Gaming Act, 1908, should be amended to make legal innocent actions of the kind.

266. To that suggestion, if effect could be given to it with certainty and clarity, there could be no objection. Consideration, however, has suggested to us that any endeavour to distinguish between innocent actions of the kind adverted to by the Racing Conference and actions of a sinister import would only be productive of uncertainty, difficulty, and detriment. At the root of section 53 lies an emphatic resolution by the Legislature that all forms of solicitation to bet must be repressed. If the section were amended to permit of the sending out of circulars, notices, advertisements, or other writings requesting employment as an agent not only would the tendency be to inflate betting, but the further and perhaps more detrimental consequence would accrue that individuals would contrive to develop agency businesses and thereby acquire a private vested interest in the business of betting, an interest which is undesirable from every point of view, and not the least from the point of view that the creation of such interests has a tendency to restrain legislative interference, even when such interference is manifestly necessary.