

# The Ontario Weekly Notes

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## APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

FEBRUARY 25TH, 1921.

### \*RE RACE-TRACKS AND BETTING.

*Constitutional Law—Powers of Provincial Legislature—Prohibition of Race-track Gambling—Licensing of Corporations and of Race-tracks—Conditions—Criminal Code, sec. 235 (2), (3) (10 & 11 Geo. V. ch. 43, sec. 6)—British North America Act, secs. 91, 92.*

Questions referred to the Court by the Lieutenant-Governor in Council, pursuant to the Constitutional Questions Act, R.S.O. 1914 ch. 85.

The questions were in respect to the power of the Ontario Legislature to enact certain legislation respecting racing, betting, etc.

The questions were as follows:—

1. Has the Lieutenant-Governor in Council power, under the provisions of the Corporations Tax Act, sec. 4, sub-sec. 15, to impose as a condition in the license therein referred to, that race-track gambling, that is to say, book-making, pari-mutuels, or pool-selling, shall not be carried on by the incorporated company, association, or club to which, or upon the race-track in respect of which, the said license is issued?

2. In the event of the answer to question 1 being in the negative, is it within the legislative competence of the Legislative Assembly for Ontario (a) to empower the Lieutenant-Governor in Council to insert in racing licenses issued by the Provincial Treasurer conditions prohibiting racing on race-tracks on which race-track gambling . . . is carried on, and thus to prohibit racing upon race-tracks to which the Criminal Code, sec. 235, sub-secs. 2 and 3, as enacted by 10 & 11 Geo. V. ch. 43, sec. 6 (Dom.), applies?

\* This case and all others so marked to be reported in the Ontario Law Reports.