

"And whereas the State of New York as well as many other American States, has recently put an end to all such professional gambling, leaving Canada almost alone on the northern half of the continent as legalising this vice, and making the Dominion the dumping ground and her race tracks the chief rendez-vous of gamblers and other criminals from all over the continent;

"And whereas our boys and young men in thousands, are in consequence being publicly schooled in vice and crime, ruining their characters and destroying the happiness of countless hearts and homes;

"And whereas this Board of Moral and Social Reform, co-operating with the authorities of all other churches and sympathetic organizations, has for two years been pressing the Dominion Government to ask Parliament to amend the Code making the original intention clear;

"And whereas the request is in the judgment of the Assembly extremely modest and reasonable;

"Therefore Resolved that the Assembly express its strong sense of disappointment, and indignation on learning that the Government has refused to accede to this request, though repeatedly and respectfully pressed, and insist that the Government bear full responsibility for the injury done to the good name and highest well-being of our fair Dominion, and earnestly calls upon all who respect the Assembly's authority and judgment to join in awakening public opinion in all parts of Canada and bringing every legitimate influence to bear upon the members of Parliament and the Government until action is taken to right this great and serious wrong."

"Also an extract from *Evening Telegram* of June 17th, 1908, re Episcopal Church Synod of Toronto Diocese on the same subject: "Widows or Woodbine. Which will the Church support?"

"S. H. Blake, K.C., tells synod who is to blame for betting at Woodbine "The entrance fees to the Woodbine Race Track for thirteen days, I am told by a man who is connected with the Race Course, are between \$125,000 and \$130,000, while the 80 or 100 book-makers there each paid \$1,300 for the right to be there on those days. This is independent of the amounts spent on dress and lost in betting, and for this appalling condition of affairs in the City of Toronto we of the Church of England are largely responsible. It is largely the people of our own Church who support the Woodbine."

With indignation in his voice, the Hon. S. H. Blake, K.C., thus added his voice to the chorus of church denunciation of the Woodbine, at the afternoon session of the Synod of Toronto Diocese meeting.

It will be seen by reference to Sec. 235, SS. 2 Criminal Code, that some provision was supposed to have been made for betting on and during the meet of a regularly organized and incorporated race track. This was taken advantage of until Race track gambling became a public scandal, demoralizing in the extreme until a case known as the *Queen vs. Handalian*, in which the Police Magistrate of Windsor convicted the defendant for keeping a common betting house. This case was taken to the Court of Appeal, where the conviction was unanimously sustained, the late Chief Justice Armour in his judgment was very emphatic holding as he did that betting on any track, whether incorporated or otherwise, was an offence against the Criminal Code. The writer acting in accordance with this judgment brought the President of the Ontario Jockey Club into Court where Col. Denison convicted, giving a stated case, which was taken to the Court of Appeal, where the conviction was quashed, the Court holding that as the President neither took part in the Book-making nor profited thereby, a conviction

could not be sustained against him. At the same time one of the Judges made a remark to the effect that the Crown should have proceeded against the Book-makers. At next Race track meet, evidence was secured and several book-makers were brought into Court—one of whom was selected as a test case. Col. Denison again made a conviction and this case was also taken to the Court of Appeal, where the conviction was sustained. It was then carried to the Supreme Court at Ottawa, and the judgment of the Court of Appeal was upheld—with one or two of the Judges dissenting. This however did not put a stop to the gambling on the Woodbine Race Track, which was shown by a change of tactics in which the book-makers stood on the lawn (an enclosure set apart for the book-makers and their customers) and continued business as usual, the only difference being that they stood marking time instead of sitting. A case was brought into Court and a conviction secured before Col. Denison who, when passing sentence, stated that the attempted subterfuge in order to evade the law (in his judgment) intensified the offence. This case was also taken to the Court of Appeal and quashed on the grounds that standing up and moving about whilst the business of betting was being carried on, did not constitute an offence, not being a house, room or place.

We can only refer briefly to the second phase of gambling, viz.: "Gaming in Stock or Merchandise", Sec. 231 Criminal Code, commonly known as an Act for the Suppression of Bucket Shops, which at that time had become very numerous. One Toronto man was said to have operated fifty of them all over the country. The Police authorities of Toronto lost no time in putting the machinery of the new Act in motion, and were successful in securing several convictions before Col. Denison, Police Magistrate, but the convictions were quashed by the Superior Courts on technical grounds every time. A case was then sent for trial from Police Court to the Assizes, a clear case made out, but the Trial Judge not only took it from the Jury on technical grounds, but undertook also to lecture the Crown authorities in general and the Police Officer who put the law in motion in particular. This gratuitous admonition by the Judge was followed by a series of charges formulated against the Police Officer in question who was taken before the Police Commissioners, where needless to add the charges were not only peremptorily dismissed, but the Officer was strongly commended in the premises. Nevertheless that judgment has been allowed to stand for about 15 years (and practically stands to-day) thereby allowing Gaming in Stocks *carte blanche* notwithstanding the fact that a comprehensive statement of all the facts in the case and the necessity for Amendment to Act in order to remove the effects of the judgment was prepared by one of the ablest lawyers in Canada and forwarded to the Minister of Justice by the Chief Constable of Toronto. In consequence of that inaction, Gaming in Stocks, with some slight changes in the *modus operandi* has been and continues to be carried on, with its demoralizing and disastrous effects upon all classes of the community.

At this point the question might very properly be asked, "Why should the Police trouble themselves to secure the enforcement of the Law's intention in respect to Gambling?"

It is not my intention to re-open the question of the duties and obligations of a Police Officer. That matter has been dealt with in detail in the paper on "The Suppression of Vice", read at the second Convention held in Toronto in 1906. But I would remind you that the Police Officer is bound by his Oath of Office to enforce the laws without fear, favour, or affection.