

plaintiff was not estopped from showing the other horse and the money to be his, and that he was entitled to recover. In the case of *Davis v. Hewitt*, 9 O.R. 435, the plaintiff and defendant agreed to match a colt owned by Davis against a colt owned by one S. Under the agreement, the stakes were deposited with P., who, default being made by Davis, handed over the amount which Davis deposited to Hewitt, though Davis had previously demanded it back. Davis sued Hewitt and P., to recover the deposit, and it was held that the race was an illegal one under 13 Geo. II., c. 19, one of the participants not being the owner of the horse he bet upon, and therefore Davis could not recover back from Hewitt the deposit money, being himself in *pari delicto*. It was held, however, that he could recover it back from the stake-holder who had improperly paid it over.

The result of these cases seems to be that the statute of Anne still applies to horse racing, and that any bet on a race over £10 is still void, and any bet is void unless there is also a match between the horses of at least \$200, as required by 13 Geo. II., c. 19, because if not, the whole race is illegal, and a wager on an illegal game is contrary to public policy.

It is a matter for consideration as to whether it would not be desirable to follow the English legislation on this subject, and thus restrict, as far as possible, an evil of serious dimensions in Ontario at the present day, an evil which pulpit and press combine to deprecate and deplore with apparently very little result.

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