



GEO. M.

A POPULAR PLAYWRIGHT BEING PRESENTED BY A FEW OF HIS ADMIRERS WITH A CASKET CONTAINING BUTTONS COLLECTED IN THE AUDITORIUM AFTER THE FIRST PERFORMANCE OF HIS FARCICAL COMEDY.

MISLEADING CASES.

XXII.—POODLE RACING; OR, THE BIG HUMBUG.

Rex v. Smith.

JUDGMENT was delivered to-day by the Court of Criminal Appeal in an interesting case concerning the legality of betting upon speed-tests for poodles, terriers and other dogs.

Mr. Justice Wool, presiding, said: "This is an appeal from a decision of my learned brother Frog at the Winchester Assizes, where the appellant was convicted of keeping an establishment deemed to be a 'common gaming-house' under the Betting Act, 1853.

"The facts are unusual. The appellant, Smith, is a man in poor circumstances, a labourer out of employment and residing in the village of Parva Minor. Adjacent to the one-roomed cottage which he rents is a small plot of land surrounded by a fence. It was proved at the trial that on this land the appellant organised a series of dog-races, to which, for a small charge, the public were admitted. The inhabitants of the village were invited to bring their dogs and enter them for the races; and a wide variety of animals took part in them. Parva Minor is in a district

remote from towns and poorly provided with entertainment. Smith's dog-races became very popular, and large numbers of labourers travelled from the surrounding villages to enjoy the new diversion. The novelty and excitement of the contests, the grace and speed of the animals, and the friendly emulation of the various owners no doubt contributed to Mr. Smith's success; but he does not contend that these were the only or even the chief attractions. The visitors made bets with each other and with bookmakers upon the results of the races. Some of them before this date may from time to time have staked small sums upon distant horse-races which they did not see, but it was proved in evidence that for nearly all this was the first occasion on which they were able to bet upon trials of speed and endurance in the animal kingdom which they were present in person to witness—a circumstance, I gather, which adds to the pleasures of this form of speculation.

"Representations were therefore made to the authorities that Mr. Smith was introducing numerous innocent villagers for the first time to the pernicious enticements of gambling, and was making money out of it.

"The appellant admitted in cross-

examination that in the absence of facilities for betting he would expect the public to visit the races in much smaller numbers, if they came at all; that he had always had in mind the possibility that these races might be found to be convenient subjects for wagering; that he had in fact made special arrangements to secure the attendance of professional bookmakers, and that he was receiving considerable profits from the charges which he made for admission.

"The operative section of the Act says that—

"No house office room or other place shall be opened kept or used for the purpose of the owner occupier or keeper thereof or any other person using the same . . . betting with persons resorting thereto."

"Mr. Smith was found guilty of opening and keeping such a 'place,' and he has now appealed.

"The appeal is based on various grounds, but these grounds, with one exception, I propose to ignore; for that one plea is of so ignoble and reckless a character that it vitiates all other conceivable defences and by itself puts the appellant out of court.

He, by his counsel, Sir Ethelred Rutt (who has argued the case with his customary ability, thoroughness and lack of consideration for a judicial tribunal exceptionally susceptible to the assaults of tedium), has urged that what he has been condemned for doing on a small scale in one village is being done with impunity on a large scale in many big towns. He says that wealthy corporations are conducting dog-races all over the country, and are enticing the improvident poor to dissipate their savings upon estimates or forecasts of the relative celerity of different greyhounds, which forecasts, though guaranteed by money payments, are based to a negligible degree upon reason or experience. He says that these contests are attended by Ministers of the Crown and other notable persons, and that the multitude are assisted to approach the bookmakers by special reinforcements of police. He says that he is entitled to the same immunity for similar conduct as is enjoyed by these wealthy corporations, and that, if not, then in these islands there is one law for the rich and another for the poor.

"This is perhaps the most impudent and ill-founded plea which has ever been advanced in an English court of justice. Of course there is one law for the rich and another for the poor (or, more accurately perhaps, two others for the poor), for the very good reason that the poor stand in greater need of restrictive legislation; and our gaming code in particular has always rested on that admirable principle. Over-logical busy-bodies have frequently asked why cash-betting in a public place, which requires the possession and payment of cash, should by the law be considered more demoralising and guilty than credit-betting over the telephone, in which a man may go to any extent beyond his means and may never have to put down any money at all. The answer is simple—credit-betting is conducted by the well-to-do, who can afford it, and cash-betting by the poor, who ought to be working and are not entitled to such luxuries. In the same way, if a syndicate of rich men set up a betting establishment, this involves a large capital expense, and any legal interference would cause great inconvenience and financial loss; but if a poor man does the same thing his activities can be concluded with the minimum of bother.

"In any case, as Lord Mildeu decided in *Rastus v. the Eureka Gramophone Company*, [1900] 2 A. C. 671,

'Two blacks do not make a white.' The appellant betrayed a special animus against the Home Secretary, Sir WILLIAM JOYNSON-HICKS, who, as political guardian of the public morals, has energetically combated the evils of public drinking, but has watched, it appears, without concern a wide extension of the facilities for public betting; and the appellant says that but for the official leniency shown to the larger greyhound enterprises he would not have ventured upon his own humble experiments with mongrel terriers and poodle-dogs.



"SCIENCE THE HANDMAID OF COMMERCE."

"But the hypocrisy of the HOME SECRETARY (if any) has nothing to do with this case. No doubt that Minister has the best of reasons for what he does or does not do. For example, the appellant, if he had not been lost to all sense of decency, might have reflected that the HOME SECRETARY is a member of a political party; that, although in the opinion of many experienced observers the habit of gambling and the habit of alcohol are equally dangerous and undesirable, the citizens who gamble or bet are very much more numerous than the citizens who have the other habit; that very little effective obstruction has ever been offered to betting, and that therefore any sub-

stantial interference with betting might be politically unfortunate for the Government responsible for it, though no great harm is done by the occasional prosecution of a small street book-maker or other obscure persons who have incautiously neglected to make the proper arrangements with the police. Such an obscure person is the appellant, and he may rest assured that his conviction will give a welcome filip to the forces of morality, but will not lose many votes. All this, however, as I said before, is entirely irrelevant to these proceedings. The defendant has been found guilty of breaking the law, and in my judgment rightly so. The appeal must be dismissed."

LUGG J. and ADDER J. concurred. A. P. H.

THE PRACTICAL TROUBADOUR.

[Going without sleep is recommended as superior to dieting for reducing weight.]

DEAR, you passed my offer by,
Took, in fact, a scornful view
Of my eagerness to try
Serenading you,
Though I said I'd reinforce
Skill which otherwise might jar
By a Correspondence Course
In the light guitar.

Modern custom, O my Sweet,
Ordered you to look askance
At your Harold's obsolete
Notions of romance;
But I think you'll change your
mind
And a kindlier ear you'll lend
When my melodies you find
Serve some useful end.

Sleeplessness is said to be
Helpful when one's heart is set
Keenly on acquiring the
Modish silhouette,
And you'll thank me if I stand
Nightly, urged by love alone,
Underneath your casement and
Work a saxophone.

Commercial Candour.

From a Swiss hotel-keeper's letter:—

"Our terms are Fres. 11 . . . by this time of the year and includes breakfast, lunch, diner lightning and attendance."

"Wanted now, in officer's small country-house, Married Couple; family 5; staff 3; £70 joint."—*Daily Paper*.

We advise the advertiser to change his butcher.

Notice in a shop-window:—

"YOUR CARPET IS YOUR CHILDREN'S
PLAYGROUND.
HAVE THEM BEATEN AND SHAMPOOD BY
OUR PATENT PROCESS."

N.S.P.C.C., please note.