

H USE F KEYS.

DOUGLAS, TUESDAY, FEBRUARY 18, 1913.

Present: The Speaker (Mr D. Maitland, J.P.), Messrs W. H. Kitto, W. Quayle, W. Christian, R. H. Collister, J. W. Canham, E. J. Curphey, J. R. Kerruish, Robert Kerruish, W. J. Radcliffe, R. S. Corlett, A. Christian, W. T. Crennell, T. H. Corrode, W. M. Kerruish, R. Moughtin, W. Goldsmith, W. J. Corlett, R. Marshall, J. D. Clucas, A. Qualtrough, J. Qualtrough, and Col. Moore. The Secretary (Mr R. D. Gelling) was in attendance.

LICENSING ACTS (CONSOLIDATION) BILL.

The Licensing Acts (Consolidation) Bill was read a first time.

THE MEDICAL OFFICER OF HEALTH BILL.

The House resumed the consideration of the clauses of the Local Government (Medical Officer of Health and Inspection of Dairies) Bill. At the last sitting, the House had partly considered clause 8, giving medical officers power to make interim orders, prohibiting the sale of milk alleged to be tuberculous, but the matter had been left over to allow Mr W. Christian to draft an amendment dealing with the grant of compensation for cattle slaughtered for tuberculosis. Mr W. Christian had duly circulated amended clauses providing that the Medical Officer, in consultation with a veterinary surgeon, might take samples of the milk and report to the Local Government Board, and might make an interim order; that compensation to the amount of three-fourths of the value should be paid for slaughtered beasts in cases where the sickness was not apparent, and compensation to the whole value where the slaughter was proved to be a mistake; and that compensation should be payable to the extent of one-third from the revenue and two-thirds from a rate levied over the whole Island.

The Speaker called upon Mr W. Christian to move his amended clause.

Mr Goldsmith: But they don't conflict. This is not an amendment to the clause.

The Speaker: It could be inserted. It is scarcely an amendment to the clause now before the House.

Dr. Marshall: I move the clause. It has already been seconded and discussed.

Mr J. D. Clucas: Do I understand that if this clause is passed, Mr Christian's amendment would be cut out? It is quite conflicting; it is in substitution for the original clause.

Mr W. M. Kerruish: Clause 8 ought to be negative first.

Mr J. D. Clucas: I submit that Mr Christian's clause is a proper amendment.

Mr W. M. Kerruish: I don't think it is worth while raising a discussion about it. Suppose we let Mr Christian move his clause.

Mr W. Christian: Since the amendments were circulated, an order has been passed by the Governor under the Cattle Diseases Prevention Act, which deals to a certain extent with tuberculosis, and will deal to a certain extent with what I had in view. Further than that, I have good reason to believe that further orders will be issued very shortly dealing with the very matter which I had in mind. So at present I don't propose the amendment, but will withdraw it.

Mr A. Christian: I think that before the hon. member withdraws his amendment, we should know what is the intention of the Governor. We have no knowledge at present.

Mr W. M. Kerruish: If the hon. member does not propose it, we cannot discuss it.

Mr Radcliffe: I move that the amendment be continued.

Mr Robert Kerruish seconded.

The Speaker: That is no motion. The amendment has not been moved, and is not under discussion.

Mr A. Christian: I move that consideration of the Bill be adjourned till we know what the Governor's intentions are.

Mr R. S. Corlett seconded.

Licensing Acts (Consolidation) Bill.—The Medical Officer of Health Bill.

Mr W. M. Kerruish: I don't understand that any change has occurred in the situation. The Governor has issued an order under the Cattle Diseases Prevention Act, but how that affects the sale of tuberculous milk, I don't know.

The Speaker: The hon. member says, from information that he has, that certain other orders are about to be issued. The hon. member for Ayre says it should be postponed till these further provisions are made public.

Mr W. M. Kerruish: His Excellency, in making orders, makes them under the Cattle Diseases Prevention Act, and that gives him power to deal with tuberculous cattle. That deals with pleuro-pneumonia and foot-and-mouth disease, and rabies in dogs, and so on. We are not considering this amended clause at all, but clause 8. There is no reason why clause 8 should be stopped because somebody says that he has heard that somebody has said that his Excellency intends to issue an order under the Cattle Diseases Prevention Act. Of course, if hon. members want to kill the Bill, and they are adjourning it for that reason, that is all right; but they can do that just as easily when it comes to the third reading, or by passing the clause of which the hon. member for Middle has given notice. One or the other will as effectually kill the Bill as anything else. I am not very particular about it, as the House knows very well; but I don't see any sense in hanging the thing over like this. If we have decided to drop it altogether, let us do so, and be finished with it; but excuses of this kind do not appear to touch the case at all. Clause 8 provides that the Local Government Board inspector may prevent the sale of milk that is tuberculous. I see no reason for adjourning the consideration of this clause or of the Bill on that account.

Col. Moore: I support the amendment. I think it is important that we should hear what the Governor has to say on the matter.

Mr Cormode: I am rather in a fog. I don't know what this order referred to has to do with the question at all. I don't suppose the Governor has power, without the authority of such a clause as this, to award compensation for cattle slaughtered.

Mr J. D. Clucas: The hon. member didn't say he expected any order dealing with the matter of compensation.

Mr Cormode: But that is the whole crux of the question. The compensation diffi-

culty is the very essence of the hon. member's amendment. He may have good reasons for not going on with his amendment, but the reason he has given doesn't strike me as a good one.

The Speaker: The hon. member's amendment is not before the House at all.

Mr Cormode: But it is solely because the hon. member is not prepared to go on with his amendment that the question of an adjournment has arisen. I should think that any discussion and decision in this House would be valuable guidance to the Governor in deciding what course he will take. I am sorry the hon. member's courage failed him at the last moment.

Mr J. D. Clucas: I don't know that I agree with either party. It seems to me that it is very important that something on the lines of the amendment should be discussed by the House. The hon. member has stated that he is not prepared to go on, because of certain action that the Governor has taken, and that he understands the Governor is about to take, which action affects the question so closely that he has decided to withdraw his amendment. I think such facts must affect the whole question of the Bill, and I cannot agree for one moment that we would be wise to go forward unless we have some further knowledge of the Governor's intentions. The hon. member for South Douglas pooh-poohs the idea of holding the matter over, but he would have been the very first to suggest postponement if he had been in the same position as is the hon. member for Middle. (Laughter.) If the hon. member were really anxious to touch this question of compensation, I don't think he would stand so much in the way of further information being obtained. I don't wish to stand in the way of the Bill going forward, but it would not be satisfactory to discuss and probably carry a clause of the nature of clause 8 in the amended Bill, and then find that it doesn't fit in with the regulations which may be made by the Governor under the Cattle Diseases Act. I am rather inclined to support the amendment, though I regret it should be necessary.

On a division there voted:—For the amendment: Messrs Kibbo, Quayle, Curphey, Cannan, R. S. Corlett, Radcliffe, A. Christian, J. R. Kerruish, Robert Kerruish, Collister, Clucas, Crennell, and Col. Moore—13. Against: Messrs W. Christian, A. Qualtrough, J. Qualtrough, Cormode, Goldsmith, W. J. Corlett, Marshall, Moughtin, W. M. Kerruish, and the

Speaker—10. The amendment was carried.

Mr W. M. Kerruish: I move that we report to his Excellency, and appoint a deputation to inquire what steps he proposes to take.

Col. Moore seconded.

Agreed.

Messrs W. M. Kerruish, R. S. Corlett, Marshall, W. Christian, and Clucas were proposed as members of the deputation.

Mr J. D. Clucas: Is this a deputation or a committee? It is the business of the Speaker to appoint a deputation.

The Speaker: Yes: "Unless otherwise ordered by the House."

It was agreed that the five members proposed should be the deputation.

THE ADULT SUFFRAGE BILL.

The Speaker called upon Mr Crennell to move the second reading of the House of Keys (Adult Suffrage) Election Acts Amendment Bill.

Mr Goldsmith: There is a Bill partly heard, the Courts Amendment Procedure Bill.

Mr Crennell: I don't intend to take any time over moving the second reading of this Bill. I don't, in fact, intend to say a word about it. I will simply remind the House that a vote on the second reading is precisely similar in effect to the vote which was given by the House only a few weeks ago. When we come to deal with the clauses, members can put the Bill in such a form as they wish, to give effect to their views, but a vote on the second reading is precisely the same as the vote which the House has already given. Precisely the same arguments apply, and I don't intend to go over the ground again. I move the second reading.

Dr. Marshall seconded.

On a division there voted:—For the second reading: Messrs A. Qualtrough, J. Qualtrough, Crennell, Cernode, Goldsmith, W. J. Corlett, Marshall, W. M. Kerruish, Col. Moore, and the Speaker—10. Against: Messrs Kitto, Quayle, Curphey, Cannan, R. S. Corlett, Radcliffe, A. Christian, J. R. Kerruish, Robert Kerruish, Collister, W. Christian, Clucas, and Moughtin—13.

The Bill fell.

COURTS AMENDED PROCEDURE BILL.

The House took up the consideration of

the clauses of the Courts Amended Procedure Bill.

Mr W. M. Kerruish: I move clause 3. I am very glad to be introducing a Bill against which I have not heard one word in public. I have heard a good deal of what has been said in private, not all of it favourable to the Bill or to its introducer. I think there can be no question that any unprejudiced observer will come to the conclusion that it is an absolutely remedial measure, and that this clause, which is the main clause of the main part of the Bill, has been provided so as to secure a more equitable treatment of persons who are unfortunate enough to get into the courts. I admit the exceeding difficulty of interfering with so delicate a matter as the procedure of our Courts, and I hope that, if not in this place, at any rate in another place, very careful consideration will be given to the machinery proposed under this Bill, because in another place there are persons of long experience and great expert knowledge in dealing with questions of this kind. The proposal is that, instead of as at present there being only one way of recovering a debt, or rather only two ways, there are now provided a number of alternatives. I would like to make it clear in the first place that the present procedure is not being done away with. It still remains possible, it still remains the recognised method of enforcing an execution, to sell up the person's goods or property, or to imprison him if his assets are not sufficient. But there are these alternatives, that as soon as the execution is granted, then at the same court, or at any subsequent court, it is open to the court to make an order for payment by instalments, to adjourn the hearing, so that the court may be better informed as to the person's circumstances, or to say that the execution is not to be enforced at all. I should be glad to have a good deal of criticism of these alternatives, and shall content myself now with simply moving the clause.

Dr. Marshall seconded.

Mr J. D. Clucas: I quite appreciate the intention of the hon. member to alleviate the troubles of persons who get into debt, but, on the other hand, the tendency of this Bill is to make things extremely easy for the person who wishes to evade payment of his debts, and very considerably difficult for the person who wishes to recover. I should sympathise with him in making it difficult for tradesmen and others who give unlimited credit, and then jump down suddenly on a poor man, but I have very grave

doubts as to how this clause would work out with regard to the man who can pay, and won't pay if he can help it. I think there is not so very much wrong with the present system of collecting debts. Under this clause, instalment orders may be made when execution is granted. I think the law should remain that the execution should first be enforced, and the coroner should furnish a return of no effects. Then, I think, should come the procedure for a weekly sum. I largely agree that the procedure might be simplified, and the costs lessened. But I don't like this clause; I think it opens a great door to persons who wish to evade their debts, and I think there should be some provision to guard against unscrupulous persons of this kind.

Mr Cormode: There might have been a good deal of force in what the hon. and learned member says, if the proposal was to compel the court to take the course specified. But, as the hon. member pointed out in moving the clause, it will be optional. I think anyone who is acquainted with the history of the courts in the Isle of Man knows that the disposition is not to show any undue leniency to a person who tries to evade his debts, and I think we may safely entrust the court with this power. Occasionally exceedingly hard cases do occur, and the provision suggested is that, where there is an exceptionally hard case the judge should have power to exercise his discretion, and let them down lightly. I think the matter is extremely trifling. I would agree with the hon. member if we were to lay down a hard and fast line that this course should be taken, but seeing that it is to be left with the judge, I think it is an extremely safe and reasonable thing to do.

Mr W. M. Kerruish: There are three points which have been raised by the hon. and learned member. The first is that the proposal will make it easier for the person who can pay, and won't pay. In my opinion, it won't; it will make it more difficult for him. Under the present system, if that man has got no goods, what can you do with him? You cannot ask him to pay a £10 judgment all at once, but if you make it easy for him by making it payable in instalments, there is much less excuse for him not paying. If he fails to pay his instalments, the Bill provides that he may be committed to gaol for a month.

Mr J. D. Clucas: He can pay by instalments at present.

Mr W. M. Kerruish: He cannot pay, unless the creditor is willing to take it by

instalments. The only alteration this Bill makes is that the court may order an instalment, a reasonable instalment, and if he doesn't pay the reasonable instalment that the court fixes, the court may order him to be sent to gaol. That is all you can do at present with the man who can pay and won't pay. Then the hon. member says that the present system is good. Well, I venture to differ. I don't think the present system is good, either from the debtor's standpoint or the creditor's.

Mr J. D. Clucas: The present system is good, if improved.

Mr W. M. Kerruish: The hon. member makes no suggestion for improvement. I particularly asked him to suggest improvements.

Mr J. D. Clucas: I said that you could considerably cheapen the costs of making a petition. I didn't move an amendment, but I explained two or three ways whereby the present system could be improved.

Mr W. M. Kerruish: The hon. member did say that the present system could be cheapened, but I don't see how it very well can. The cost of the present system arises from its being necessary to go to the court on subsequent occasions. This Bill means that you need only go to the court once, whereas, under the present system, you go to the court first for your execution. Then you put it in the coroner's hands for enforcement. Then the coroner summons a jury of four men, and they make a return. Then you present a petition against the man for imprisonment, and that comes before the court.

Mr J. D. Clucas: The second day.

Mr W. M. Kerruish: It may be. I think the man would be entitled to appear the first day on the petition, and have it decided. I don't think there would be any need for the second day, and then there would be only one day's costs. But the costs would amount at least to between £2 and £3.

Mr J. D. Clucas: Oh, no.

Mr W. M. Kerruish: Well, I will have to count it up for the hon. member. There is 14s 4d for the first day, 4s for the coroner's return, costs of the petition for an order of imprisonment, amounting to about 25s, or about £1 anyway, and that comes to £1 18s 4d. That is assuming that everything goes straight, and the man attends on both occasions on the first day, and everything goes right the first day. How far is that off £2? I was not so far wrong, and the hon. member has admitted all my items.

Mr J. D. Clucas: I don't admit anything of the sort.

Mr W. M. Kerruish: But under this Bill—if everything goes smoothly—it will all get done for 14s 4d. There is a considerable saving there. It may not seem much to a millionaire—

Mr J. D. Clucas: The hon. member is wheeling the argument round to his own point: I said I was going to cheapen it.

Mr W. M. Kerruish: The hon. member didn't say how, and I don't see how the present system can be improved. I am very glad that the hon. member, as a member of the Law Society, thinks the costs ought to be reduced. (Laughter.) It is a very pleasing sign of repentance. I was saying that to a millionaire the difference between 14s 4d and 38s 4d may not matter, but to a man who cannot pay a £5 debt, if he gets £2 added on to it, there is a very considerable difference, nearly 50 per cent. You must remember that we are dealing with the case of people who are poor, and we should do everything we can to reduce the costs. The hon. member thinks that the present system should be continued, but what advantage would the present system have over this system? If there was no question of cost at all, and we had to choose between two systems, this is the one we should adopt. It is a difficult matter to interfere with the procedure of the courts, and I am hoping to get suggestions—better suggestions than we have had this morning—(laughter)—when the Bill comes before persons with better experience than we have.

The clause was carried, Mr Clucas and another member calling "No!"

Clause 4 provides that notice be given of application for instalment order before hearing of suit for debt.

Agreed.

Clause 5 deals with the method of applying after the granting of an execution.

Agreed.

Clause 6 deals with the ability of a debtor to pay.

Agreed.

Clause 7 entitles the coroner to take evidence.

Agreed.

Clause 8 makes provision in case of a debtor failing to comply with an instalment order.

Agreed.

Clause 9,

Mr Crennell: I should like to have that clause explained.

Mr W. M. Kerruish: The meaning of this clause is that when a debtor is ordered by the Court to be imprisoned for not having paid the instalment, his debt is not, therefore, to be wiped out. The debt still remains a debt due, and the judgment is still enforceable for the amount he owes. But he is not to be imprisoned a second time for the instalments for which he has already been imprisoned. It will clear him as far as imprisonment only is concerned for the instalment due before his imprisonment. It won't wipe out the debt in any way.

Mr Crennell: I don't know that this is quite clear. He "shall not be thereafter imprisoned for non-payment of any instalment made payable by the instalment order, and accrued due prior to the date of the instalment for non-payment of which the order of imprisonment was made." Does that mean that if he has failed to pay 20 instalments, and is imprisoned those are counted as paid, and he can never be imprisoned for them again? That practically means wiping them out altogether. That part of the debt is done with altogether, so far as the creditor is concerned. The effect is that the debtor will be freed from that debt, although the hon. member said he would not. You may have it if you will; he shall not be imprisoned without a further order of the Court. I do not think it should absolutely wipe out the debt.

Mr E. J. Culphey: Suppose the debtor in after years became possessed of property, or found himself in a better financial position, the hon. member for South Douglas said he would still be held responsible for the debt. Do I understand that?

Mr W. M. Kerruish: Yes; the execution could be enforced. The alternative is that a man might be imprisoned for non-payment of an instalment order, do his month, come out, and be imprisoned again for another month; come out again, and be imprisoned for another month, and so on, ad infinitum. There is no object in that. We fix the punishment for not paying at one month's imprisonment. We do not want to go on imprisoning for ever. I think that is clear in the minds of the House. But if the debtor should become possessed of any assets, then the judgment can be enforced for the whole amount of the debt, because where a debtor has suffered imprisonment for non-compliance

with an instalment order, such imprisonment shall not release the debtor from payment of the judgment. I think the House does not want to go on imprisoning a man over and over again because he has not paid the instalment order.

Agreed.

Clause 10.

Mr W. M. Kerruish: The object of clause 10 is: suppose a debtor gets an instalment order fixed when times are bad at a low amount, and afterwards gets into good work when he is able to pay more, then the creditor can apply to have the instalment order increased; and vice versa, if the instalment order was made when he was in good employment and could pay fairly large instalments, he could have the instalments lowered in a less prosperous time. I think this will relieve him to some extent.

Agreed.

Clause 11, dealing with the arrest of wages, was next considered.

Mr Crennell: I have an amendment to propose to this clause. I do not believe in practically making it impossible to recover debts from all persons who are not drawing £1 a week. How many hundreds of men in the Island would be allowed to get into debt without any penalty being imposed. I should like to alter it so as to read:

Where any wages, salary, or stipend, whether for time or piecework, due or accruing to a debtor does not exceed the sum of £1 per week, the arrest shall be leviable only upon a sum not exceeding 2s 6d per week.

I think there should be some penalty imposed upon a man earning anything a week.

Mr R. S. Corlett: I have great pleasure in supporting it, for this reason. If you pass this as is suggested here, a labouring man who is paid low wages would get no credit at all. That would be a great disadvantage, because they all want more or less help. I think it would be foolish.

Mr W. M. Kerruish: It is rather difficult to follow this amendment as the hon. member has drawn it as he sat on the seat there. One can hardly expect to be perfect in such a complicated Bill as this. It seems to me it destroys the whole object of the clause, because it only deals with wages under a pound a week. If a man's wages are over a pound a week, you can arrest the whole lot. It gives no relief at all. It says unless the wages are under a pound a week. A man getting 21s a week would have all his wages taken.

Mr Crennell: The hon. member's clause did not strike me like that before. As a matter of fact it says you shall not arrest anything unless the wages exceed a pound a week. I see what the hon. member means. You can only arrest a sum beyond a pound a week. To reconstruct the clause to suit the case, I think the matter can be held over.

Mr W. M. Kerruish: It is very kind of the hon. member to scratch a few lines on the seat there, and throw the Bill into confusion. Amendments should not be proposed in this haphazard way.

Mr J. D. Clucas: Nobody else ever does!

Mr W. M. Kerruish: Perhaps the hon. member knows about that better than I do. (Laughter.)

Mr J. D. Clucas: I do!

Mr W. M. Kerruish: I think it is clear that the amendment of the hon. member for Ramsey will not be satisfactory. I take it the House does want to protect the workingman, to ensure that at the end of the week he will have enough to carry him on to the end of the following week. If his wages are stopped on the Saturday night he has to go home to the wife with nothing to provide for the following week—there is nothing but starvation and charity in front of them.

The Speaker: I think the objection on this side of the House is that a great many men do not get a pound a week; in the country it runs to 12s 6d or 14s.

Mr W. M. Kerruish: I think it is a barbarism that a man should go home with 12s 6d a week. I am not going to be a party to this. The people who give such low wages ought to be ashamed.

The Speaker: In cash.

A Voice: There are perquisites.

Mr W. M. Kerruish: I know about the other perquisites. If the hon. member is prepared to make it 17s 6d a week, that might be more reasonable.

The Speaker: You will prevent the men getting credit.

Mr Cornode: To carry out the idea of the hon. member for Ramsey you should state the percentage. That would cover the wages of any.

Mr W. M. Kerruish: If the House carries it against me, well and good. I am not favourable to these clauses, because they have been suggested without consideration.

Mr Collister: I will second it.

Mr W. M. Kerruish: I am on my feet. Wait till I have had my say. I am quite willing to give you a hearing in your turn.

Mr Collister: I am anxious to assist you, (Laughter.)

Mr W. M. Kerruish: All this has arisen because the hon. member has not read the Bill. The enforcement of an execution may be stayed by an instalment order—by the first part of the Bill, so that the occasion for arresting wages ought never to arise, because the creditor can go to the Court and say, "This man is earning 12s 6d a week, and he has only got eight children and a wife to keep, and two of those children are sick, some of them want boots and clothes, and there is no Insurance Act to give them medical attendance, and therefore I think out of 12s 6d a week he ought to pay 2s 6d a week." The Court says that is merciful and reasonable, and makes an order for 2s 6d a week. The Court takes into consideration all the circumstances of the debtor and the debt, and makes an instalment order. Then as to the instalment order, he starves his wife and children because the Court would order his imprisonment for a month or less. In that case there will be no wages for either. The creditor would get satisfaction in one way, but not in another. I am not bound to a suggestion to close it at 17s 6d. As far as that is concerned, I am not agreeable to it at all. The hon. member wants a man getting only 10s a week to pay towards the debt. I think the House is merciful, and I won't argue it out any longer.

Dr. Marshall: Are we voting for 17s 6d or £1 a week?

The Secretary: There is no amendment proposed.

Mr J. D. Clucas: There are two amendments proposed by the hon. member for Ramsey. He has not withdrawn.

The Speaker: I understood he had withdrawn.

Mr Crennell: No. The first point is clear. I confess it would mean that all wages over a pound a week might be arrested. Would it not be better to adjourn this matter to consider the best means of meeting the case. I think, however, that a proportion of a man's wages should be capable of arrest in default of payment under an instalment order.

The amendment was lost without a division.

Mr W. M. Kerruish: I don't want to press it if anyone wants to move 17s 6d.

Mr J. D. Clucas: I didn't move an amendment. I was only suggesting an amendment.

Dr. Marshall: I move that it be 17s 6d. I think it is reasonable and will meet all purposes.

Mr A. Qualtrough seconded.

Mr J. D. Clucas: With regard to what fell from the hon. member for South Douglas, I am inclined to agree that his view is right. It might occasion considerable surprise that we happen to agree. It was a question simply of arresting wages. You have to have your instalment order made before you can arrest the wages, so that if the man whose wage is a pound a week or under does not choose to pay, he is imprisoned, only you cannot seize his wages. I was rather inclined to think at first that it might prevent a man getting any credit at all. Considering the matter again, and in view of what the hon. member said, I am convinced that the clause is right. (Hear, hear.) So far as the 17s 6d and the £1 a week is concerned, there is not much difference one way or another. As regards the Bill, that is the one part that I welcome, and I think it should be put in force. I will vote for the clause as it stands.

The amendment was lost.

Clause 12, making provision for costs, was carried without discussion.

Clause 13, dealing with the coroner's fees,

Agreed.

Clause 14 provides for service of notices.

Agreed.

Clause 15 deals with the form of application.

Mr Clucas: Is not clause 15 already dealt with in clause 4?

Mr W. M. Kerruish: The hon. member has not noticed that there are other applications besides applications for instalment orders. It is to save drawing a petition that application is to be by summons.

Agreed.

Clause 16, specifying the date of promulgation, was agreed to without a division. Schedule.

Mr W. M. Kerruish: It would be as well to read them, to show the complications of the machinery at present.

The Bankruptcy Procedure Act, 1892, section 17, and the Bankruptcy Code, 1892, section 77, were read.

The Bill was read a second time.

INCEST BILL.

The Punishment of Incest Bill was next considered.

Dr. Marshall: This is a Bill that need not take much time. It is a very short Bill for a simple purpose. It is intended to punish those depraved people—if there are such—guilty of having carnal knowledge with their own immediate blood relatives, as, for instance, a man having illicit dealings with his grandmother, mother, sister, or daughter. One can hardly imagine such a thing, but still cases of the kind have occurred. In the case of a woman the penalty is imposed if she has carnal knowledge with her grandfather, her father, her brother, or her son. One need not use many words in advocating this Bill, because one can imagine that if such proceedings as these took place in any home—well, the word "home" does not apply to such a place. Such a thing as sanctity could not exist with such conduct as defined in this Bill. The words "morality," "decency," would not have any meaning to persons guilty of such offences as this Bill touches. Then we have to remember not only is it undesirable such conduct should be allowed without being punished. Cases have occurred in the Isle of Man unfortunately, and the legal profession has been in this position when the full circumstances have become known, no punishment could be effected. We have to remember also that any result of such illicit conduct as this would mean that if children were born, they would of course be illegitimate, because no man can marry his grandmother, his mother, his sister, or his daughter. Neither can any woman marry her grandfather, her father, her brother, or her son. Then by a wise law of nature, which forbids too close in-breeding, either in cattle or human beings—but more particularly in human beings—such progeny would almost certainly be unfitted, both mentally and perhaps bodily, for the fulfilment of what is necessary to a sane person. We do not want to encourage anything that will breed a race of degenerates, and conduct such as is indicated by this Bill can lead to nothing else but the propagation of degenerates, either mentally or bodily, or both. With these few introductory remarks, I move the second reading of the Bill.

Mr J. D. Lucas seconded.

The clauses were agreed to without discussion.

PROBATION OF OFFENDERS BILL.

The House next took up the second reading of the Probation of Offenders Bill.

Mr Goldsmith: This is a Bill which has come down from the other House. It has been prepared by the order of the Lieut.-Governor, representations having been made of the need for such legislation. The object of the Bill is to empower Courts to permit the conditional release of offenders in certain cases, to vary the conditions of release, and to deal with cases where the offenders fail to observe the conditions of release. The Lieut.-Governor is empowered to appoint a probation officer or officers for each High-Bailiff's district, and provision is made as to the payment and duties of such officers. The Bill is an attempt to deal with the crime at the source. You begin with those who are taken early, unfortunately, in this kind of evil course, and deal with them not harshly, not by imprisoning them, but by placing them in charge of suitable guardians. The authority is provided here, so that each magistrate should have some person to supervise and oversee these young people, and it is quite reasonable to believe that such supervision would be to their good. Instead of treating these young offenders as hardened criminals, mixing them up with the criminal class, an altogether different idea is proposed. To me the object of the Bill is commendable, and one which is worthy of the support of this House. I have no knowledge myself of this matter, more than that I have had several conversations with a gentleman in Douglas—Mr Kenyon—who acts in this capacity at present. He tells me the advantages of such an arrangement are very great indeed. He has found many cases where it has been to the advantage of the parties concerned and the community. I have very great pleasure in moving the second reading of the Bill.

Capt. W. H. Kitto seconded.

Clause 4 confers power on the Court to make probation orders and conditions and recognizances.

Mr Goldsmith: I move that. It gives the Court considerable power. No doubt the Court would exercise it judiciously. It will all be for the benefit of the criminal, and for the benefit of the community.

Mr J. R. Kerruish seconded the motion, and it was agreed to.

Clause 5 relates to the appointment of probation officers.

Mr Goldsmith: I move the clause. It

provides for the appointment of probation officers and for their remuneration, but the remuneration is subject to the approval of the Tynwald Court, so that in no case will expense be incurred without the knowledge and approval of the Court.

Mr W. Christian seconded.

Mr Crennell: I do not know that the House should accept this. Some of us have not had time to go very carefully into the matter. I am struck with the fact that it will mean new officers and salaries. I do not see why the police staff that we possess at present cannot perform all the duties required under this Act. At this moment I am not prepared to move an amendment or vote against, but I am strongly of opinion that this clause should be left over for a time, so that we may look at the matter more carefully. Some of us did not expect that this Bill would come on to-day, and would like to give it more consideration. I move that the further consideration of this Bill be held over. I do view with considerable alarm the multiplication of fresh officials. (Hear, hear.)

Mr Curphey seconded.

Mr R. S. Corlett: I beg to support the hon. member for Ramsey. I quite agree with what he says.

Mr W. M. Kerruish: I feel bound to support the hon. member for Ramsey. Perhaps it is my own fault, but some of us who try to take an interest in the matters that come before us, if we have to prepare for all that appears on the agenda, have not the time to do it. I have been prepared for two or three of the Bills, but I am not fully prepared for this one. I did give some consideration to this subject and had drawn up amendments with reference to expenditure, but I had not gone through the whole Bill. If none of us have gone carefully into it, I think we ought to postpone it. If any other members have done it, I am prepared to go on, but I am not prepared to take the responsibility, and I do not want the House to think I am taking the responsibility.

Mr Goldsmith: The manifest sense of the House is in favour of delay, but I regret that. What is the use of going on with the Bill at all unless you are prepared to face some expenditure? It should not be the costly expenditure that some members seem to think. The House seems to think that it would require the whole time of the officials, but there are people in the towns who have leisure and who would do all this business for very small remuneration. It

would not be a costly business at all, but if the House is in favour of an adjournment of the Bill, it must be adjourned.

Mr W. M. Kerruish: I would suggest that we appoint a deputation to inquire what is the probable or intended expenditure on this Bill. I would move that as part of our resolution for adjournment. We do not know really what expenditure this matter is going to entail, and we want to know what the expenditure is before we consider the Bill.

The Speaker said he would ask the deputation which had been already appointed to interview his Excellency to see about this matter at the same time.

The further consideration was adjourned.

GAMING AND BETTING.

Mr J. D. Lucas: I beg to move the second reading of this Bill. It is only a short Bill.

Mr W. M. Kerruish: May I call attention to the fact that there is no memorandum to this Bill?

Mr J. D. Lucas: The only answer I can give the hon. member is that the Bill is so short that if we were to have a memorandum it would be longer than the Bill itself, and I suppose the idea was to save a little paper. I am not dealing with people so obtuse as the hon. member. I see no necessity to speak at any length on this matter. I think in a recent case the Gaming and Betting Act of 1907 was not far-reaching enough to arrest persons who were found frequenting a betting house. The authorities have considered it necessary, and quite agree that an amendment on the lines of the only clause in this Bill should be passed. I beg to move the second reading.

Mr W. M. Kerruish: I second it.

Col. Moore: Does that prohibit gaming and betting houses altogether? A good deal of betting is done in England by people without going to a racecourse.

Mr J. D. Lucas: That is all provided for in the Act of 1907. This has nothing to do with keeping a betting house at all. This is only dealing with people who are found there.

The motion was carried, and the Bill was read a second time.

MEDICAL OFFICER OF HEALTH, AND PROBATION OF OFFENDERS.

The House adjourned to quarter to three. On resuming,

The Speaker said: I believe the deputa-

tion has had an opportunity of meeting his Excellency during the adjournment. I will ask the leader of the deputation to report the result of their conference. Who did the talking?

Mr W. M. Kerruish: I think the hon. member for Rushen.

(Mr J. D. Lucas was absent.)

Mr Cormode: I think the hon. member for South Douglas is quite competent to act.

Mr W. M. Kerruish: His Excellency received us, and the interview was short. With reference to the Medical Officer of Health Bill, his Excellency said that he proposed to issue an order under the Cattle Diseases Acts, 1865-1902, dealing with pleuro-pneumonia glanders—of which one case has been reported to him—anthrax, and one or two other diseases, but not dealing with tuberculosis; he had that under consideration, but would not deal with that until the Medical Officer of Health Bill had been dealt with by this House—either passed or rejected. I think he explained also that if he did deal with tuberculosis, it would only be with tuberculosis of the udder. With reference to the other subject of the deputation—that is, the probable cost to be incurred under the Probation of Offenders Bill, his Excellency's idea was, without making a definite estimate, that the cost would not exceed £100 per annum.

Mr Curphey: Did you suggest to him the desirability of the police doing this work?

Mr W. M. Kerruish: That was raised during the discussion. His Excellency said that the police were so fully occupied during the summer that he could not see his way to add any further duties.

THE RACECOURSE BILL.

The Speaker: Will the House proceed with the Medical Officer of Health Bill?

Mr Curphey: Is not counsel here on this Racecourse Bill?

The Speaker: Yes, counsel is here.

Mr Curphey: I think it would be advisable to take that while he is here.

Mr W. M. Kerruish: This Medical Officer of Health Bill is being held over time after time.

Mr Collister: I would like to see it decided one way or other.

Mr Cormode: If we go on with the Racecourse Bill, it will give the hon. member for Middle an opportunity to decide what course he will take in the meantime.

The Speaker: Very well. The hon. mem-

ber for Middle has taken charge of this Bill. I would ask him to proceed.

Mr Collister: I move the second reading of the Racecourse Bill.

Mr R. Kerruish seconded.

Mr A. Christian presented a petition for counsel to be heard on behalf of the Isle of Man Racecourse, Limited.—(Agreed.)

Mr Nelson: I appear on behalf of the Isle of Man Racecourse Company, who are seriously affected by the provisions of this Bill, and by the amendments that are now introduced before this House—so much so that my clients apprehend that if these amendments are passed, it will practically mean the extinction of the Company as a racecourse, and I feel sure that, when the circumstances of the case are fully placed before the House, they will hesitate before they pass such drastic amendments, which I may say up to the present are unexampled in the British Dominions—restricting betting on racecourses. The House may not be fully aware of the position of my clients, and shortly I will state it. Prior to 1911, there was a tract of land called Belle Vue, in the neighbourhood of Douglas—waste land, no man's land, a resort of vagrants, a nuisance and discredited to the town. My clients thought it suitable for the purposes of a racecourse; they formed a company with a capital of £10,000, purchased the property, and went to great expense—over £5,000, I am instructed,—in improving the land and laying it out as an up-to-date racecourse, and bringing it in harmony with the best of such places across the water. Not only that, but they took steps to register themselves under an authority, which is a recognised authority in racing, and controls all respectable associations of the kind in England—called "the Northern Galloping Association," and is a body which takes great care and regard for those registered under it. Last year was the first year of the Company's operations. It was a bad season, and they were placed in rather awkward circumstances; but, nevertheless, so popular and so well patronised was the undertaking that the admission amounted to over 30,000 persons. Now this Bill proposes to license racecourses. Now, I like to see a race myself—I believe many members do—and I would be sorry they should think that the description given to racecourses in another place was a true description—that they are a resort for all the disreputable characters in the country. That is a very gross misdescription of any properly conducted race-

course, and a gross misrepresentation of the racecourse established by my clients. I appeal to the inhabitants of Douglas and of the Island generally to bear me out—that no racecourse in their experience was better managed and conducted in every possible feature. So far as betting is concerned, by the law of England and the law of the Isle of Man, it is not illegal. You can bet on every racecourse, and you can do so on this; but those who are interested recognised to the fullest extent that it is a matter not to be trifled with, and must be regulated and put under proper control. My clients, with a view to fortifying themselves against these innumerable aspersions which were hurled against them by certain persons, took steps to ensure that, if betting was allowed, it should be restricted and controlled under the best conditions. They allowed no bookmakers on their ground unless they were members of the Bookmakers' Association, which is a world-wide association, and no disreputable character is allowed in it; no man is allowed to be a member of it unless he is capable of carrying out his engagements. Not only that, but my clients prevented them from bringing on to the course such paraphernalia as are objected to on English racecourses. They were registered and made to pay a fee, and were under the absolute control of the Racecourse Committee. The consequence was, as far as I know, and as far as my clients know, there was not a single complaint of any substantial character against the conduct and management of that racecourse. My clients even went further. They were not bound to do it, but they recognised that they were on their trial, and that racing must be properly conducted here, and they took steps at great expense to obtain police assistance both from the Island and from across the water, to regulate and control affairs in every possible way, with the result that when the races were over, Col. Madoc, who is in charge of the Insular Police, wrote to my clients a letter, which I produce. Now, seeing he was fully satisfied that nothing was objectionable—

Mr W. M. Kerruish (interrupting): Will you read the letter?

Mr Nelson: The first part has reference to a different matter, but he winds up—"I wish to place on record my intense appreciation of the assistance given to the police by Mr Fisher"—that is the managing director of the Company—"in maintaining order, and to congratulate the Racecourse Company generally on the very excellent

arrangements. I trust our co-operation may result the same on every occasion." That is an unmasked-for testimonial, and a very fair and creditable one to my clients. After that, I should think the last would be heard of anything to the effect that it was not properly conducted. That being so, you would have thought that the Company would have been allowed to remain in peace, but it was not to be. I may say this—that their expenditure here is very considerable. The result of last year's working, up to the present, is a loss, and there is a large expenditure yet to be undertaken. Many hundreds of pounds will be required to drain the property, and altogether the financial burden will be a very serious one, and if anything untoward should occur by which the enterprise is stopped or hindered, the Company may be wound up in liquidation, and my clients may lose every farthing of their outlay. The chief amendment to which I direct my remarks at present is the one repealing sub-section 5 of section 15 of the Betting and Gaming Act, 1907, which excepts racecourses. The sub-section is in these words: "Nothing contained in this section shall apply to any ground used for the purpose of a racecourse for racing for horses, or adjacent thereto, on the days on which such racing takes place." Now, that Act followed the Act of 1906 in England, 6th Edward VII., which was called the Streets Betting Act. As I said before, betting is not illegal in England. The only restriction is this—that bets are void and cannot be sued upon in a court of law. But there is nothing to prevent men betting with each other on a racecourse. When that Act was brought in in England, a number of so-called reformers attempted the very same thing as this amendment now before the House. It will be in the memory of gentlemen in this House—the debates which occurred in Parliament. I remember them well. There was a strong effort made by gentlemen who thought they were doing something for the good of their country and the benefit of mankind generally, to try and put a stop to betting. A more futile, short-sighted policy could never be conceived. You cannot put a stop to betting. Betting is ingrained in the English race, no matter where they are, and when the Act was before Parliament, the conclusion of the majority in both Houses was that it should not apply to racecourses, and that is the law in England at the present time. You can bet on the course. It is true that under

the Gaming and Betting Acts there are restrictions—as to a bookmaker standing on a box or under an umbrella or anything of that kind—but there is nothing to prevent a man betting on the open course. It is also true—as all reasonable men must confess—that a large amount of evil was caused—particularly to the growing generation—by the wild and reckless gambling formerly permitted all over the country. Little betting houses were found in poor localities, and betting was indulged in by all classes of people; the poor man's sixpence was tempted the same as the rich man's hundred pounds. The consequence was that betting, instead of being a concomitant and attendant upon a healthy out-door sport, where men strive like Englishmen to out-rival each other as to who has the best horse, or who is the best rider, it degenerated into a sordid money-making business, to the loss and ruin of many, poor and rich. It was recognised by the Legislature that must be put a stop to, and it has been put a stop to effectually. The touts that flooded the country with racing literature have been stopped, and denounced by all parties. There was, however, a consensus of opinion on all sides of the Legislature not to interfere with betting on racecourses. That is all we ask for here. That English Act was followed up by our own Gaming and Betting Act of 1907, which is referred to here. I do not know whether the same argument was used here or what was said on the subject, but as a matter of fact this House specially recognised that exception, and the Legislature introduced that very clause into the Munn Bill, and it stands as law at the present time. Now, gentlemen, what has occurred, or why, in the name of reason, is it to be repealed? Is it that you think you are going to regenerate the human race by trying to stop betting? As a noted American once said, "Don't prophesy unless you know," but I venture to say that very much water will flow under the bridge before betting is stopped in England. It is a matter of common knowledge that, throughout the British Empire, on which we are told the sun never sets, there is not a single colony of Englishmen where you won't find a cricket pitch and a racecourse and betting, and in connection with the great classic races in England, you will find that the winners and the betting are telegraphed all over the world, and is a matter of profound interest to many thousands of Englishmen.

They tried to stop it in America—some of the gentlemen who would put trousers on the piano legs. What did they accomplish? They destroyed racing in America to their own bitter regret, and drove sporting men and their money into England, where they are now, but without doing the slightest good to America. If you restrict betting, and pass this clause, what is the effect in the Isle of Man? The Isle of Man, of course, is not like England. It is not possible, in a reasonable way of looking at it, that there can be more than one racecourse in the place; there is no room for it. I am instructed to say—and I have no reason to doubt that my instructions are correct—that if you pass this amendment, the effect of it will be that the men who run horses will not send them where betting is prohibited. They will say, "Who is going to stand by and see a horse running and not bet?" and the effect, so far as we are concerned, is that we may as well wind up our affairs as soon as possible, for it is impossible to ask the public to a racecourse in the Isle of Man or anywhere else unless you allow them to bet. It may be said you are asked to legalise betting. But what have you done? You have that under the 1907 Act that betting and wagering shall not take place, that men shall not be allowed to make a trade or business of it, but you specially exempted a racecourse. Then why now include a racecourse? I have shown that as far as management is concerned, there is nothing to be said against our Company. While we have the strongest opinion that this Bill is wholly unnecessary from any point of view, and has no practical effect whatever, we also say that anything in the direction of good management of the course we do not object to—subject to some observations I may have to make on the way it is carried out. I venture to point out that the ordinary law is quite sufficient for the purpose at the present time. Why, then, go out of the way to make a man take out a licence for doing a thing which is proper and unobjectionable? There is nothing in the interests of the country that we have heard of that would necessitate it, and I submit, if you deal with the Bill as a whole, that is the view that ought to be taken—it is not necessary at all. The object of these amendments, and their legal effect, is to stamp out racing in the country. To say that is a false apprehension is altogether beside the mark. My clients

are not here to spend their money in legal costs, and they are not taking the trouble to contest this amendment if they thought it was not going to hurt them, but they instruct me to inform the House that will be the effect of it. I should like to say something on the objection that the racecourse is an evil in itself by bringing people to the Island of an objectionable character. That is a matter for the police, and is easily dealt with. This is the first experience we have had in the Isle of Man for many years. I suppose some members of the House will remember when there was a racecourse at the Strang, which came to an untimely end for financial reasons. It is true there were a great many objectionable characters there, but that was at a time when in England itself the conduct of racing and betting generally was very different to what it is now. The state of things which existed then, both in England and here, would not be tolerated for a moment at the present time. The Street Betting Act of 1906 was passed, and the thing was taken up with a strong hand all over the country, with the determination to make racing what it ought to be. Many members of this House may not be familiar with racecourses, and have but little conception of the hold which racing and betting have taken of the English people. Who could fail to appreciate the pleasure and delight of going to the Derby and hearing the mighty roar of thousands when the favourite has passed the post, and seen hundreds of thousands from all parts of the country, all parts of the world, enjoying it? That is betting and racing. Are you going to put that down? Can you put it down? It is so absolutely ingrained in the public, as I say; it is such a popular and national sport that I submit this House will hesitate before passing an amendment so radical as this. It was said in another place that some members would like to see betting restricted to racecourses alone, but there was no attempt to introduce this clause, and I venture to think, upon consideration, looking at the thing fairly all round, you will see it is better to let things stand as they were than do an injury to a real, substantial enterprise, and a healthy national sport. We, in the Isle of Man, are not overdone with enterprises or the means of promoting employment for the public. I merely point out, by the way, that the spending of money by these people has brought wages and employment into many a poor house in the place, and will continue to do so in the future. What are they doing in other

places? At Chester, Doncaster, Yarmouth, and Musselburgh, the races are all, more or less, directly controlled by the County Councils, and in York by the Corporation of the City. In many of these cases, such as Chester, large revenues are paid to the cities out of the proceeds of racing. I believe that by means of the York races and the St. Leger at Doncaster, those cities are relieved to a very large extent of their rates by the profits of the racecourses. The races are welcomed and looked forward to as a means of benefit and profit to the population. Why should they not be here? What is the difference, except that one is in England and the other is in the Isle of Man? I am told that at Musselburgh the book-makers are directly under the control of the Corporation of the town, that they are licensed and have to pay for admission and their stands, and, generally speaking, are under strict control. All these are circumstances to show that public authorities of no small weight, the Corporations of some of the largest cities in England, directly recognise racing, and encourage it. That is the substance of what I have to point out. With regard to the main amendment, the effect, of course, as I said, is absolutely to prohibit betting. I may draw attention to section 11, and the words to be added. If we are to be executed, I do not know that it will make very much difference to us, but I venture to point out that the addition to be made to section 11 is really only emphasising the clause. Section 11 says: "Every horse race taking place in contravention of the provisions of this Act shall be deemed a nuisance." That is the English law; and it is taken practically from the English Statute. The clause proposed here is "That no licence granted in pursuance of this Act shall be deemed to protect the holder thereof or any other person against the existing rights and remedies of any person in case of a nuisance at common law." Well, as I said before, it does not matter, if you cut off our heads, whether this clause is passed or not, but it is an almost useless addition, because the clause is sufficiently strong without it. Then in section 5, after the words "five pounds," it is proposed to insert the words "per centum of the annual rateable value of the licensed premises." Just consider for a moment the unfairness of that. It is an attempt to squeeze the blood out of these people now working at a loss, and may never get a profit from a business which is productive of a very substantial amount of good to the country. Why not encourage them? Those gentlemen

who are familiar with countries beyond the Isle of Man will bear me out that the policy then is to encourage the new comer if he comes with capital, and any proper enterprise which is within the law of the country, to encourage him, and give him a chance. Many governments remit rates and taxes for years and present sites for nothing. In many cases you hear of trading companies going to cities of Canada, and the localities welcoming them, presenting them with sites, and freeing them from rates and taxes for many years. Why? Because they are creating employment in the district, opening the country, bringing money into it, doing it good. And yet you penalise such enterprise here by saying, "Before you have got your feet under you, we will put a crushing rate on you; and if your property increases in value by industry and care, the benefit that accrues from it shall pay accordingly!" Has that principle been applied to other places of amusement—to Derby Castle, The Palace, and those places? I think I am right in saying it has not; nor do I think it would be fair to try that clause upon them. Some people may say this is a fat goose, we will have some of it; but you will find a good deal of opposition, and I appeal to you on the unfairness of it, and I say you ought not to penalise a reasonable business in which men have shown their bona fides by putting money in it. I may add that in the summer months, other than the times when races take place, Belle Vue is thrown open free of charge for the benefit of the town and the visitors. That, in itself, is no little matter. If it is not a pleasure to people to walk about there, and an additional attraction for visitors, I do not know what is. The next point I venture to call attention to is this. Assuming we are to be regulated and licensed—the manner in which it is to be done. In England, when the 1906 Act, licensing racecourses, was passed, the power had been in the hands of the Quarter Sessions. But the Local Government Board or the County Council were considered to be more in touch with the public, and of more experience of the world, and more used to deal with the public than members of the Licensing Bench. I must respectfully submit that, as the machinery for working this Act, it is not desirable that the Licensing Bench should have the control; indeed I think it highly undesirable. Probably nobody knows less about racing than these gentlemen. The body placed in authority ought to know some-

thing about it, and have some experience as to what takes place on the other side of the water. You are giving these gentlemen power to make restrictions. You do not say what or how far these restrictions are to apply, in fact, there is no limit to them. They can make any sort of restriction. Then there is another point. There may be some of them who have the same opinions some of our forefathers had, who considered games and amusements things of the devil. I remember a most excellent and worthy clergyman saying "that vestibule of hell—the ballroom." I hope I am not making use of unparliamentary language, but I am only quoting the saying of a very worthy man of his day. There is a class of people who think that no sort of amusement ought to be allowed, but that day has passed, and people now take a different view. But we may have some of that class of man on the Licensing Bench who take that extreme view of the subject. Then the Bill provides that applications for licences must be applied for in the same manner as for a public house licence under the Licensing Act. That should be altered, as you may have some people who hold that a licence is not required for any neighbourhood, and placing all sorts of obstacles in the way of people applying for a licence. It is not right that we should have to submit to that. I do respectfully submit that, if racecourses have to be licensed, that the proper authority to deal with them is the Town Council, as in England, or the Local Government Board. I hope that I have not detained the House too long in going over points which my clients think necessary should be laid before the House, but I do most sincerely urge that, if this Bill, with the amendments, is passed, my clients will be legislated out of existence. We think that licences are quite unnecessary, but if you do not see fit to adopt that view, my clients urge that you reject the amendment.

Mr W. M. Kerruish: It would be just as well at this stage to clear up any misapprehension that may have arisen. This is not a place where we are bound to confess, and whether we have had any experience of racecourses may or may not be a fact. No one has any right to ask us to confess where we have been and what we have done. We have been told that men are not competent to sit on the licensing bench under this Bill except they have had experience of a racecourse. If we follow that out, we will have to say that all the members of the bench will have

to be jockeys—for who knows more about racing than they do?—we will have to say that no one but publicans should sit on the licensing bench for public-houses; or that the Council of Education should be teachers; or the Asylums Board lunatics. That is the proposition that has been put before the House to-day. I don't know that the owners of the racecourse would be in any better position if brought before the Local Government Board; they might be or they might not. It is not for me to say what view the licensing authority should take, as in all probability I will have to deal with that in another position, but if the Legislature pass a Bill authorising the Licensing Court to grant licences to racecourses, then the Licensing Court will have to use judicial discretion, and take it as settled that on reasonable and proper grounds licences will be granted to racecourses. We have had the usual plan of setting up a bogey to knock it down. The whole argument that has been used before is that this Bill is to stop betting, but there is no suggestion that betting is to be stopped. Betting is legal in the Isle of Man, and there is nothing to stop the hon. and gallant Colonel in putting a shilling on with the Captain opposite. He is quite at liberty to do so.

Col. Moore: Put your own shilling on.

Mr J. D. Chucas: Ought an hon. member to refer to a member as an individual?

Mr W. M. Kerruish: I did not; and I am sorry if my joke is not appreciated.

Col. Moore: I do not appreciate jokes of that kind.

Mr W. M. Kerruish: I am the last person in the House to hurt anyone's feelings, and I withdraw what I said entirely and completely. There is nothing in the law at present to prevent any person making a bet with a friend. The Act of 1907 makes it illegal for any person frequenting or loitering or keeping a house or other place for the purpose of making or receiving bets. That deals with the professional "bookie." That makes professional betting illegal except in one instance, and that instance is one—a racecourse. That is the state of the law at present. What induced us to make that exception? Simply this. I take it that we passed the Act of 1907 because there were at that time no racecourses in the Isle of Man, and the Bill as it came to us was simply a copy of the English Act. Now, in England the circumstances are quite different. When that Act was passed there were no race-

courses in the Isle of Man, and this was the law in England, and we adopted it. What are these races that we had last summer? They are conducted under the Northern Galloping Association. These are the class of races we have heard so much about, and which have been compared to those at Epsom, or Doncaster, or Musselborough. These races are run under proper rules and regulations, and under the authority and approval of the Jockey Club. Why is not this racecourse we have here under Jockey Club rules? Because the course would never be approved by the Jockey Club, and they could not get a licence. It is not a course that they could approve of. It is not a racecourse on which jockeys would be permitted to ride under Jockey Club rules, and it is absurd to compare it with Derby, Chester, or Doncaster. Men in this House know the circumstances of the horses, jockeys, and officials. What are they? It has been admitted here time after time that these races last year were deliberately planned dishonestly. I do not think it is denied that they are not desirable, and last season they were deliberately dishonest. I have been told of one man who lost £70 in one day and £30 another day at this racecourse in Douglas. What is the effect of having a place like this in Douglas? What is the effect of allowing such things to take place? It is said that Douglas receives the benefit of these races, but I beg to call the attention of the House to the fact that the amendments are being proposed by the members for Douglas. We have heard what has been said about the advantage to Douglas of having this racecourse here; but we believe, and we stake our positions now as members for Douglas in the interests of the people of Douglas, that this racecourse is doing indescribable harm. We don't want their paltry money spent here. What does it amount to? Money spent on draining the land, or men taking tickets at the door; and for that we are asked to ruin the reputation and character of Douglas. It can add nothing to the reputation of the Isle of Man in the eyes of visitors to know that these races are run here. You have only to go on the pier and see the boat coming in on the day of the races to see the character of the people that come to these races to know whether they add to the reputation of the Isle of Man. The whole case was given away in half-a-dozen words uttered by counsel for the Racecourse Company. He said that if these amendments

were carried they might as well shut up shop. I think that shows that they do not wish the racecourse for racing, but simply for a betting place. That is what is in their minds. It is not for the development of horses of a particular class. You know the mokes that come over. Their object is not to promote racing, but to make a success of the betting. They do not promote these races for the sake of the race, but they promote them for the sake of betting. We have here this class of race compared with the roar of the crowds who watch the Derby. Is it not absurd to compare what takes place here with things of that kind? I think, Mr Speaker, that the House will have no doubt about this question. Counsel admits that it is run for the betting, and he gives the whole thing away. Will you allow me just to say a few words as to how this matter affects the young people of Douglas and the Isle of Man. I do not want to say anything that has the least suggestion of cant about it. I have read what the Lord Bishop said last Sunday, and I totally and entirely approve of what he said on that occasion. We do not want to pace this temptation in the way of the young people of the Island for the few paltry pounds that these racing men spend amongst us. Then, Mr Speaker, there is the general question of the police and the racecourse. I do not know what else is in the letter from Col. Madoc, but it does not bear the construction which learned counsel put upon it. Learned counsel said that the letter said that there was no cause whatever for complaint. That is not important, sir. This is a Bill promoted by the Executive Government of the Isle of Man. I take it that the authorities were consulted before the Bill was introduced, and they decided that a licence was required before racing should be permitted in the Isle of Man. Whatever else the House decides, it certainly will decide that racecourses are to be licensed.

The House then proceeded to consider the Bill clause by clause.

Clause 3 provides that every racecourse must be licensed.

Mr R. H. Collister: I move that clause 3 stand part of the Bill.

Mr Gledhill: I second that.

Capt. Moughan: I have listened with something approaching amazement to the bitter speech on the racecourse we had last summer, especially as this is the first time that we have had a properly organised racecourse and races in the Isle of Man. What

will be the effect of this clause if we pass it? It will mean that no one can hold a race on the shore without having first obtained a licence from the licensing bench. You permit the roads of the Island to be used for motor races, but when it is proposed to hold a horse race on a proper racecourse you say that cannot be done without a licence. Unless in a place specially licensed it shall not be lawful that any horse race shall be held or take place on any pretext whatever. If two farmers fall out at the Agricultural Show, or have an argument amongst themselves as to which horse is the best, they are not allowed to race their horses at the Agricultural Show without a licence. If the Agricultural Show offers a cup for the best jumper on the ground, they are not to be allowed to have a competition without a special licence for racing. Has that condition of things ever existed in the Isle of Man? That is the construction of clause 3. I do not see what it is wanted for. I cannot see what the Bill is wanted for. To put a clause like this which simply prohibits anybody from having a match of any sort is an extraordinary thing. I think the agricultural community should welcome the fact that the racecourse is allowed to be there for them to practise over. It is a boon to the public. It is a nice park for the end of Douglas that we represent. Hundreds of visitors spend the afternoons there, and sit out to enjoy the sun among the green stuff. Everybody does not want to go to Douglas Head or the Playing Fields or to pay twopence to get into Villa Marina. It is not the same as where we have people coming to the Island—manufacturers of motors who take possession of the highroads of the Island to the detriment of the hundreds of people who come here to enjoy themselves. It is the visitors who speculate money at this racecourse. They take their risks with the rest of us, and we are going to put restrictions on them so that there will be nothing in the shape of horse racing in the future. The learned counsel referred to the racecourse at Belle Vue, where, we are told, the scum of the earth collect. I have never been in a place where racing was not allowed. I have stood beside Lord Loch and others at big racecourses across the water, and I have never seen any scum about them. It is an astonishing thing that some people should be able to see scum wherever they go, and to attribute scum where there is no scum. Everybody who goes to a racecourse does not go to bet. They go to en-

joy the races, and the horses themselves enjoy the races. I take as much enjoyment as anybody in a horse race, so long as it is conducted on legitimate lines. I cannot see how the House can agree to anything of this sort. At the last Tynwald Court we listened to a lot of talk about the injury to the Island, and the desecration of the Sabbath caused by motor races. Here there is no desecration of the Sabbath. In other Christian countries Sunday is the chief day for horse racing; but I have never heard any proposal for horse racing here on Sunday evening. What more harm there is in a race than in a game of golf I cannot understand. We are getting very far ahead. We have got a long way from most other parts of the world, and I hope the House will refuse to pass this clause as being unsuitable to the House and to the requirements of the Island, and altogether not wanted. Why should we curtail the privileges of the people? We have not got so many left. I have not yet heard of the Advertising Board advertising on the end of the pier "Only teetotallers and people who do not attend horse races admitted." (Laughter.) We hear some talk about the class of people who come here for the races, but if you can find a tougher lot of men than we heard about at the last Tynwald Court, they must be a hard lot. I am sure the mechanics who come here with the motors are as hard a lot as those who come here for the horse races. We have heard that some people went to the racecourse and lost money. They must have had the money to lose it, and I think, after all, that is the sort of people we want to come to the Island. I am opposed to this clause entirely.

Mr R. S. Corlett: I also oppose this clause. It says here you must not have any race under any circumstances. I have been having horse races all my life, more or less, and I do not see why I should not continue. I have met people on the road and had a trotting match. What harm have I done? I have been at the Agricultural Society and I have trotted horses round the ring, and you have been superintending operations yourself, Mr Speaker. (Laughter.) Once I was pitched out of the trap. It didn't do me any harm. I do not agree with this clause. It is a very strong clause.

Mr W. M. Kerruish: You should read clause 2 first.

Mr R. S. Corlett: If this is so, we are not allowed to have a trotting match on the shore under any circumstances.

Mr Goldsmith: Read the definition clause.

Mr R. S. Corlett: It says:

A horse race within the meaning of this Act shall mean any race in which any horse, mare, or gelding shall run, or be made to run, in competition with any other horse, mare, or gelding, or against time, for any prize of what nature or kind soever, or for any bet or wager, or to be made, in respect of any such horse, mare, or gelding, or the riders thereof, and at which more than 25 persons shall be present.

I have had a race when over 20 persons were present. I had a sovereign on the race, too, and I lost it. (Laughter.) I do not see why I should not do it again if I wish. I think it is being too straight-laced altogether. I do not see that a trotting match is any worse than you see in many places of entertainment in Douglas. (Hear, hear.)

Col. Moore: In the singing saloons.

Mr Cormode: Just one word in reply to the hon. member. As regards the Agricultural Society, it would be an easy matter for them to get a racing licence if they want to have trotting matches. With regard to the hon. member himself, it would be inconvenient to prevent him having the bit of sport that he speaks of, but we have got to study the convenience of the people of the Island as a whole. Knowing the hon. member's good nature, I think he would willingly deny himself a little bit of pleasure for the sake of stopping what we think will be a growing evil if legislation is not passed to deal with it. This is what has inspired the Legislature to take the matter up. I think the hon. member will not allow this little bit of sport to prevent a well-considered proposal like this from going through.

Mr W. M. Kerruish: I think it would be well to correct a wrong impression which some members seem to have, that it would be necessary to take a licence for the Agricultural Society's matches. This clause is the same as the clause in England. They constantly have those competitions at agricultural shows, but they are not races. It is not the winner that gets the prize; it is the whole thing taken into account.

Mr J. D. Clucas: Who gets the prize if not the winner?

Mr W. M. Kerruish: It is not the fastest horse that gets the prize. As for the time when the hon. member fell out of the trap, it was only good Providence that prevented him from being killed. (Laughter.)

Mr J. D. Clucas: I take it that the definition clause would bar races at the Agricultural

tural Shows under any circumstances. It would apply to the hon. member enjoying himself by racing with or without lamps. (Laughter.)

Mr Radcliffe: I think the promoters of this Bill would do well to have this particular clause amended. There are many hardships. At the same time, I think the better course would be to have the clause amended.

Mr Goldsmith: That will arise when we come to the definition clause.

The motion was then put.

On a division they voted:—for: Messrs Kitto, Curphey, Cannon, Radcliffe, A. Christian, J. R. Kerruish, Collister, Clucas, A. Qualtrough, J. Qualtrough, Cormode, Goldsmith, Dr. Marshall, W. M. Kerruish, and the Speaker:—15. Against:—Messrs Quayle, R. S. Corlett, R. Kerruish, W. Christian, Moughtin, and Col. Moore:—6.

Clause 4 provides for giving power to the District Licensing Bench to license racecourses at the General Licensing Sessions.

Mr Collister: I move that.

Mr Goldsmith: I second that.

Capt. Moughtin: I see in this clause, too, no appeal is provided for. It is left to the discretion of the Licensing Court altogether. In every other matter that comes before them there is an appeal. Surely there should be an appeal in this also. The Licensing Court for the time being may be composed of people who are opposed to racing altogether. Consequently the licences would be refused. It has to be renewed every twelve months, and there is no appeal whatever from the decision of this Court.

Mr J. D. Clucas: Clauses 6 and 7 deal with this point.

Capt. Moughtin: If valuable property of this sort is to be dealt with, after a lot of money has been expended on it, it should not be within the power of this Court to refuse a licence granted one year, for no misconduct whatever.

Mr J. D. Clucas: I see a great deal of force in counsel's view that the licensing authority should be the local authority, and not the District Licensing Bench. I thought the local authority in which the place is situated, would know more about the matter and should have control. We would be following a similar practice to that carried on in England. In order to make this alteration, it means a tremendous amount of alteration to this bill. I

do not feel disposed to move this amendment, but I have very great doubts regarding the advisability of giving the District Licensing Bench the power of making law as regards the licensing of these race courses. They would be a law unto themselves. I think there should be some regular lines on which they should move. If we give them control, it will give them unlimited right to make such restrictions as they think fit.

Mr W. M. Kerruish: They can appeal.

Mr J. D. Clucas: It is quite true they can appeal to the Appeal Court, but it is a question whether they are not a similar set of men who look at the thing from the same point of view. The hon. member for South Douglas ridiculed the contention of counsel that those people who know something about racecourses should be the licensing authority. Whilst there is a great deal to be said for that, the hon. member must carry it further and must carry it to an absurdity and proceed to make a lot of capital out of it.

Mr W. M. Kerruish: A lot of stuffing.

Mr J. D. Clucas: You put in the stuffing first of all, and then you proceeded to knock it out and talk a great deal of nonsense. I do think on the local authority there would be some gentlemen who have a different, a wider view than the gentlemen who are elected on the Licensing Bench from the point of view of the licensing of public-houses, and I have great doubt as regards the advantage and right of supporting this clause. I would like to see it altered into the local authority if possible. Therefore, I think the best thing would be to move the suspension of this clause in order to redraft the various clauses following on similar lines.

Mr W. M. Kerruish: Then the hon. member proposes that, instead of the Licensing Bench, we shall have the Parish Commissioners of Braddan or of Onchan, as the case may be, giving licences to racecourses. The hon. member talks of absurdity, but surely this is reducing absurdity to absurdity to say that whether Douglas is to have a racecourse or not would be dependent on the Parish Commissioners of Braddan. I do not know whether it is worth while arguing it out. What power have the Parish Commissioners to hear counsel, to take evidence, to swear witnesses? What Appeal Court have they? As long as the Licensing Court suits certain people, all is well; but as soon as

there is a little leaven introduced into it, it is all wrong. (Laughter.) I do not know how you can have a more competent authority than the Douglas Licensing Bench.

Mr J. Qualtrough: The same principle is involved in every other bench. They are not all Douglas men who sit on the Douglas Licensing Bench. They may belong to Douglas or the surrounding parishes. Now, I am averse to the principle of asking the Douglas Licensing Bench, which is in no way a representative body, and is never influenced by sentiment for the general well-being of the people, to take control of these racecourses. I would rather give power to the Local Government Board. I think they would be a superior body, amenable to public opinion; and I think we could not do this in a better way. I am satisfied that if the power was invested in them to make regulations and laws, they would be a more capable body. They have a secretary. They have all the organisation that is required. What the Licensing Bench is I cannot tell. A more erratic body of men there is not in existence. They have no control whatever. They are a more dangerous body of men than the Local Government Board. (Laughter.) Therefore, I hold that if we move any way with this Bill it would be a pity not to delay it, and see if we cannot give power to the Local Government Board to regulate these proceedings. I move that.

Col. Moore: I second it.

Mr Cormode: I rise to oppose that. Those who read the discussion in the other place know how carefully this matter of the right authority was gone into. They came to the conclusion that the District Licensing Bench was the best authority to which the control should be given. I have no strong prejudice in favour of licensing benches; I am a member of one of them. If anybody can suggest a better body, and one more inclined to work in the interests of the public, I will not oppose it. There has been no suggestion yet, to my mind, which would be better than to have the Licensing Bench. It is not a very big question nor an onerous duty for any authority. To hold the Bill over on account of this would be a great mistake. Surely this is not the way to legislate: as soon as we get into any little difficulty, to hold it over. Let us get on. I have considered this Bill already, and I am not very enthusiastic about this particular body. It does change sometimes, and sometimes inferior men get

on—(laughter)—but I think, on the whole, it would work satisfactorily. I am convinced of that. Let us carry the motion and get on with the Bill.

The amendment was then put. On a division, there voted:—For the amendment: Messrs Quayle, Radcliffe, A. Christian, J. R. Kerruish, R. Kerruish, Clucas, J. Qualtrough, Moughtin, and Col. Moore—9. Against: Messrs Kitto, Curphey, Cannan, Colliester, W. Christian, A. Qualtrough, Cormode, Goldsmith, W. M. Kerruish, Dr. Marshall, and the Speaker—11.

The motion was put and carried.

Clause 5 provides for the form of licence and the amount to be paid therefor.

Mr Colliester: I move that.

Mr Goldsmith: I second it.

Dr. Marshall: I would like to move an amendment to this clause in the following words:—"After the words 'five pounds' insert the words 'Per centum of the annual rateable value of the licensed premises.'" If these premises are to be licensed in the way desired here, I think this is necessary. If we grant it, as counsel has said, there can only be one racecourse in the Isle of Man. Therefore, we are granting a monopoly to the present racecourse. As far as I can understand, counsel mentioned the fact that this was the only one likely to exist in the Island, and, therefore, it seems they are to have a monopoly. Whatever profit is to be got, this Company, and this Company alone, are to possess. We have been told, either as members of the House of Keys or as members of the Licensing Bench, that we are "infants in arms" as regards racecourses. I suppose I am one of those referred to as an "infant in arms," and yet for 18 months I had the privilege and pleasure—it was a duty as well as a pleasure—of attending every race that took place on the biggest race course in England. This was the Old Manchester Racecourse at Old Barn—now covered with the docks of the Ship Canal, and there I got to know a little bit—in fact, more than a little—about racing, and I claim to know as much as anyone in this House as to what racing really is. In the practice, I was in with jockeys, tipsters, and stablemen. We had managers, and we had the whole show practically. What happened on this racecourse? A hundred per cent. was paid in dividends for the year. This is better than the Isle of Man Steam Packet Co. A hundred per cent. profit was reaped by the shareholders in this Company in those

times—I am speaking of 20 years ago, before I came to the Isle of Man. Why should we, having provided for a fixed rate in repayment, grant such a tremendous monopoly to this Company, who may come to pay 100 per cent.? I do not say they will, but it is possible. Certainly the game must pay, or they would not do it. If they are to have a monopoly we should have this amendment.

Mr Goldsmith: I second that.

Col. Moore: Does it follow that never in the Isle of Man there is to be another racecourse? Supposing another Company started a race meeting under the Jockey Club or National Hunt Club rules, are these people to have a monopoly?

Dr. Marshall: I am speaking in the words of the counsel. He said there was only a demand for this one racecourse. It does not follow, but it is likely.

The Speaker: The hon. member for South Douglas said there were two already.

Mr J. Qualtrough: I do not know that there is very much in this. I have no idea what might be the valuation placed upon a racecourse. It might be £100 value. I think it would be a big place—exceeding £100 value. Five pounds per centum, as in the proposal, means that there is to be £5 for every £100 value. This will scarcely affect the licensee. If the place is valued at more than £100 value, it will mean £10. If it is £101 valuation, he will have to pay £10. Because I am satisfied that the premises would not exceed £100 valuation, I think it is immaterial whether we pass the amendment or not.

Mr W. M. Kerruish: This is a principle the House passed many years ago. It is unfair a small place should pay the same as a large place. We fixed that principle when passing the Singing Room Bill. I think £5 is the amount that would be paid from the existing racecourse, but we have an eye to the future, as the property might develop and bring in a large sum. If it becomes a success it is worth more, and they will have to pay more, and if it is not a success they will pay less.

Capt. Moughtin: This affects another small racecourse close to Douglas. When the season is over the farmers of the Island might want to hold a meeting at the Strang. There is Ronaldsway, where any amount of races could be run. Is this to apply to farms on which races are run. The actual racecourse may comprise the whole farm, and if the farmer wants to

have a few races at the back end of the summer, when the stubble is on the fields, he has to pay this amount before he has the races. I take it that is the way the clause stands. The reason why this particular racecourse was not licensed by Jockey Club was because it has not a mile straight run. There are places on farms where a straight mile run could be secured. In my opinion it is a serious principle to introduce into licensing matters, and one the House will do well to consider before they do it, or they may crush out licensing altogether. I think the House should carefully consider the effect of such a principle as this before they accept it. Take the case of the steamers, say, the Ben-my-Chree. Is 50 per cent. to be paid on her assessed value for a licence? That would squeeze every licensee out of existence.

Mr Collister: I should like to point out that races may take place on stubble fields under clause 8. We can have them for two days at a fee of 10s.

The House divided on the amendment: For: Messrs Omphey, Radcliffe, A. Qualtrough, J. Qualtrough, Corrado, Goldsmith, Marshall, Kerruish—8. Against: Messrs Kitto, Quayle, Cannan, A. Christian, J. R. Kerruish, R. Kerruish, Collister, W. Christian, J. D. Clucas, Moughtin, Col. Moore, and the Speaker—12.

The motion that clause 5 stand part of the Bill was then put and carried.

Section 6, providing that all applications for licences under this Act must be made to the District Licensing Court in which the place in respect of which the licence is applied for is situate; Section 7, dealing with the procedure to be followed in the case of an application for a licence; Section 8, providing for occasional licences to use any place for horse racing for any period not exceeding two days; Section 3, providing for a penalty on persons taking part in unlicensed horse races; were all carried without comment.

Mr Collister moved section 10, which provides for a penalty of a fine or imprisonment at the discretion of the Court, such fine not to be less than £5 nor more than £25, and such imprisonment not to be less than one month nor more than three months on owners and occupiers of ground where unlicensed horse races take place.

Mr Goldsmith seconded.

Mr W. M. Kerruish: I move as an amendment in line 27 for the words "twenty-five" to substitute the words "one

hundred." It is felt that £25 is nothing as against the holding of a race. They might be quite willing to pay £25 and make more than that out of the race. There is no compulsion to impose a fine of £25, and if the amount is increased to £100 it will extend the stress from £5 to £100. I don't think £25 is sufficient.

Dr. Marshall: I second that.

The amendment was defeated without a division, and it was agreed that clause 10 stand part of the Bill.

Mr Collister moved section 11, which provides that unlicensed horse races be deemed a nuisance and liable accordingly.

Mr Christian seconded.

Mr W. M. Kerruish: I move the addition of the following proviso: "Provided that no licence granted in pursuance of this Act shall be deemed to protect the holder thereof, or any other person, against the existing rights and remedies of any person in case of a nuisance at common law." It is a difficult amendment to understand. It is more for the purpose of calling the attention of another place to the question which arises. This section says that a horse race unlicensed is to be a nuisance absolutely. It is deemed to be a nuisance, so that any person in the neighbourhood, without proving it is a nuisance, could get an injunction to stop it and claim damages. The amendment does not interfere with that, but it seemed to me by implication the fact of a horse race being licensed would give a person a legal remedy even if it was licensed. Supposing a person came and ran horses under the windows of a private house. You could not stop them, so long as it was licensed. It is a difficult clause, and I don't want to bind the House to it. I want it to go to another place, so that they will have an opportunity of considering it. The section is to provide that a horse race that is not licensed is, as a fact, a nuisance. Whether it is a nuisance or not is a matter of common sense. A race that is licensed under this Act is not a nuisance. It might be a very serious nuisance. If a racecourse started against my house, it would be a nuisance and affect my property, and this provision takes away the privilege of a person to do that. I wish the House to pass the amendment. It does not affect the clause. It is to call the attention of another place, so that we may have their opinion on the matter.

Mr Goldsmith: I second it.

The amendment was carried without a division.

Mr W. M. Kerruish: There is another amendment which comes in there. I move that "Section 15, sub-section (5), of the Gaming and Betting Act, 1907, is hereby repealed," and the following new clause be inserted: "It shall be a condition of any licence granted under this Act that no person holding a licence under the Act shall, on the premises in respect of which the licence is issued, or in any place adjacent thereto, permit any person to frequent or loiter therein, either on behalf of himself or any other person, for the purpose of bookmaking, or betting, or wagering, or agreeing to bet or wager, or paying, or receiving, or settling bets." There is no need for me to repeat the arguments I have advanced. This is an unusual motion. This is an amendment for making it illegal to have professional betting on a racecourse. The first part of the amendment looks very innocent and it would not be suspected that there is anything behind it; but this is the little incident that is causing all the trouble. The first sub-section of section 15 of the Gaming and Betting Act, 1907, says: "Any person frequenting or loitering in streets or public places, on behalf either of himself or of any other person, for the purpose of bookmaking, or betting, or wagering, or agreeing to bet or wager, or paying, or receiving, or settling bets, shall be fined," etc. A public place is defined under sub-section 4. We are not repealing that clause. It says the word "street shall include any highway, and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not"; and the words "public place" shall include any public park, garden, or sea beach, and any unenclosed ground to which the public, for the time being, have a restricted right of access, whether on payment or otherwise, if at or near every public entrance there is conspicuously exhibited by the owners or persons having the control of the place a notice prohibiting betting therein." Now in all these places professional betting is forbidden. But sub-section 5 says: "Nothing contained in this section shall apply to any ground used for the purpose of a racecourse for racing with horses or adjacent thereto on the days on which races take place." That makes public professional betting legal on a racecourse. If betting in a street is bad for the community, then it is bad for them on a racecourse. That is all.

Mr Goldsmith: I rise to second it, and in doing so, I wish to associate myself with the remarks made by the honourable mem-

ber for South Douglas, Mr Kerruish, with regard to the disadvantages and evil connected with the racecourse carried on at Douglas. I have never listened to counsel that damaged his own case more. He says the racecourse is a failure. Unless betting is carried on the racecourse will be a failure, and we will have a catastrophe if we close it. I remember a racecourse at the Strang. It was a failure, and nobody regretted it, and the bulk of the people were well pleased when it ceased to exist, and not many tears would be shed when this one ceased to exist. Unless it can be carried on without betting, it is not for good. Counsel went on to admit that people of an objectionable character are brought here, but that was a matter for the police. Were the police to shut the people out? The authorities were to encourage enterprise, but not enterprises that will bring objectionable characters. It is admitted this course will be a failure unless there is betting. Is that not sufficient to kill the whole thing, and prompt us to do our utmost to guard the people and the reputation of this Island? I support the amendment, and hope it will have the effect of chucking these people off.

Capt. Moughtin: I cannot allow this clause to go without a protest. Horse racing is a recognised institution all over the world. Many towns across the water—and we are very fond of following the example of England—make profits out of horse races. Chester pays one-third of its rates, and many people from Douglas go and see the races there. Take the case of the Grand National. Is any exception taken if betting is on the race? Are people expected to simply watch the horses gallop, and not have any interest in the event? If a Manx horse was running, we would back it with every hope that it would win, and if it lost, what harm would we have done? What harm is there to go to a racecourse? Is not business one big gamble? People do not bet for the love of betting; it is to give an interest in the race. And if a bookmaker gives a little odds, it appeals to the selfish interest in trying to get something for nothing. ("Oh!") That is what we all have.

Mr W. M. Kerruish: That is called stealing.

Capt. Moughtin: What about gambling in real estate? I call it stealing when people attend an auction and effect a corner. That is what I call stealing—to prevent a person

getting the real value of his property, and then sell it to his customer at a profit.

Mr Quayle: Do you do that?

Capt. Moughtin: No; but I know those who do. Now, if we want to be so goody-goody, why not declare there shall be nothing in the Isle of Man in the shape of amusement? We shall say to the people, "You must not come to the Isle of Man unless you do what we direct." Nothing could be more absurd than to force customs on people which they have not at home. Is there any reason why people coming to Douglas should not be allowed to do in Douglas what they can do at home? I cannot understand why this restriction should be put on a legitimate entertainment. I cannot understand how we have got so goody-goody. We can stand on Bray Hill and bet on the motor cars, and not bet at Belle Vue. We can go and bet at a football match, but we are not to go to Belle Vue, and bet. I don't believe you can stop it. You are going to make law, with a possibility for somebody to evade it. You were going to stop the singing in public-houses, and then license some of them, and on appeal they granted all except one poor widow woman. Let's get rid of this cant. Have we preached Christianity for a thousand years, and spent hundreds of thousands of pounds on education, to tell the people we cannot trust them as far as Belle Vue with half-a-crown in their pockets?

Mr Joseph Qualtrough: I am of opinion, if the opinion of the people of the Isle of Man was taken, it would be that the Act should apply all round—racecourses or any where else. I don't think any special privilege should be offered to any place where gambling can be done on a large scale. I am strongly of opinion we should report this provision as suggested in the amendment.

Mr Cormode: The hon. member for South Douglas, Capt. Moughtin, made a strong appeal to our cupidity. He tried to persuade us that the carrying on of these races, and the permission of betting there, was highly beneficial to the community. I should like to ask whom it benefits? The bookmaker benefits; but do the people of Douglas benefit? I have read a number of articles on this subject, and followed the thing up in the English papers. Canon Horsley, in particular, goes into it, and gives the result of race after race, and demonstrates beyond all question that the bookmaker is the one individual who benefits. The hon. member cannot argue that

having horse races is beneficial in the sense that it attracts desirable visitors to the Island. Last year, with the horse races here, there was a drop in the number of visitors as compared with those of the previous year. The result of having races is this: You attract visitors here, and the bookmaker gets hold of the money that would otherwise go into the pockets of the people of the Island. They lose their money, and haven't it to spend otherwise. The hon. member across the House laughs, but if he can prove that I am not speaking the truth, I shall be glad to see him get on his hind legs and do it. The thing is quite evident to anyone who goes into it. How many who go there come back richer than they came? They don't do it. The other hon. member for South Douglas, Mr. Kerruish, in his very powerful speech on the second reading, said there was dishonesty on that racecourse. I have no knowledge of that course, but I have had knowledge of previous races. At one time a certain section used to come to my place to get their horses shod, and I used to hear a good deal of what was going on. The main object was to bring out a dark horse, and keep the public in ignorance of it, and take advantage of their ignorance to get hold of their money. I don't know whether that is done now; the present racecourse may have restrictions to prevent that sort of thing, but as a matter of fact, if an ordinary member of the public goes there, he is not in a position to gamble honestly, if you can gamble honestly. Knowledge is possessed by the other party which he cannot possess. They are in the inner working of the thing, and he is at a serious disadvantage in the chance of benefiting from the race. But even if it was, as the hon. member has represented it to be, a matter of financial gain to the Island to have the evil, I hope that we have enough self-respect as Manxmen to say that we shall not have it. Personally, I would rather go without a shirt on my back than get money by means that would involve the forfeiture of my self-respect. I am tired, and I am ashamed, of hearing this talk continually going on, as if Manxmen existed for the purpose of getting money by any means. We will sell our very souls, they say, if we can bring visitors here, and get a little more money. Let us show some self-respect. Let us stand up for what we believe to be right. Let us protect our young people. Let us be men who are worthy of being called men. I never heard a more

lamentable speech than that of the hon. member for South Douglas. I have always been told he was sent here by the Established Church as their representative. I am sure that to-day they will not feel proud of him; he has disgraced those who sent him here.

Capt. Moughtin (indignantly): Whoever told you so, told you wrong. I was sent here by the people of South Douglas.

Mr Cormode: I am certain he does not represent the sentiment of South Douglas. He doesn't know all, though he may mix among the people who frequent the quays. I mix among the people of South Douglas a good deal, among those who exercise influence in the town, and I am sure that, when the opportunity comes, they will repudiate what has been said on their behalf, and will feel disgraced that it should have been said. We have a chance of doing right, and I am glad to think that we will do it. It is not going to inflict loss on Douglas, though it may inflict loss on bookmakers, and to a certain extent on those who have expended money on the present racecourse. At the same time, we shall be doing what is right and preserving our self-respect.

Mr Radcliffe: I had no intention of saying anything on this subject, but I have always tried to be guided by the wishes of the locality most directly concerned. We have listened to the views of the five members for Douglas, and four of them have declared emphatically that it is not a benefit to the neighbourhood to have a racecourse. I am not going to give my own views on the subject; I am particularly fond of the sport, and nobody enjoys a horse race more than I; but when the majority of the members for Douglas have spoken against betting in their midst, I see no other course but to vote for the amendment now proposed.

Mr W. M. Kerruish: Just a few words in reply. I must associate myself with the hon. member for Peel in the feeling of disappointment, I might almost say of despair, that the House could listen to arguments of the character we have had advanced to us this afternoon. This is not a question of horse-racing; it is not a question of stopping betting. There is nothing in what we do which will prevent anyone who is so disposed from going to the motor races and backing a rider, or going to any horse race, and putting his own money with his friend

on a horse. But it does prevent persons making a profession of betting. What is the type of man? Do they need any description? When I tell you that at these horse races last summer, one man made the book, the same man owned the horse, and the same man rode the horse, what chance is there of honesty under those circumstances? Does not that expose the whole thing at once? It is said that there is no other place in the world that prohibits bookmaking. That is not altogether true, but it is admitted that it is allowed on the other side of the water. But are the conditions the same? In the first place, are the races here held under the same rules? Is it the same class of horse, the same class of rider? Would the riders in these races be permitted to get on the back of a horse elsewhere? The conditions are not the same. There is nothing that could induce us to vote for this proposal except the appeal to our lower instincts. Is that what we are here to countenance? Let me put one more point to the House. Before this Bill to license racecourses was introduced, we had no responsibility; persons might come here, and start racecourses and permit betting. We were not responsible for it. But the position is very different if we pass this Bill. Now we are licensing these places, and we are empowered to impose conditions and restrictions, and the responsibility rests upon us now, in a sense altogether different than before, of allowing this kind of thing to go on. I hope the House will take its stand on principle in this matter. I know what the effect of this vote will be on me. I know there is a class of people that takes the view of my colleague, Mr Moughtin. But we are prepared to stand that. We believe that the best influence and interest of our constituency and constituents is with us, and we are prepared to stand our ground.

On a division there voted:—For the amendment: Messrs Kitto, Curphey, Cannan, Radcliffe, A. Christian, J. R. Kerruish, Robert Kerruish, W. Christian, J. Quaitrough, Cormode, Crennell, Goldsmith, Marshall, W. M. Kerruish, and Col. Moore, and the Speaker—16. Against: Messrs Quayle, Collister, and Moughtin—3. The amendment was carried.

Clause 12 provides that a licensee committing a breach of the terms of his licence may be fined in a penalty not exceeding £20, and a daily penalty not exceeding £5, and may have his licence revoked.

Agreed.

Clause 13 (Power of entry for police).

Agreed.

Clause 14 empowers the Governor to order extra police control of a racecourse, and to charge the expenses thereof upon the holder of the licence.

Mr W. M. Kerruish: There are two or three trifling amendments, which I think the House will accept. The section at present makes it imperative on the Governor to charge the expenses on the holder. The first of these amendments gives the Governor a discretion in the matter, just as we gave in the Camps Bill. We think there are circumstances in which the Governor might not deem it necessary to take such a course. Then we make the expenses of special police control a debt due to the Crown. That will give the Crown a preference over other creditors. It might be that a person would come over here, and run a disorderly racecourse, and then disappear and leave nothing behind him, and then the Crown would be only an ordinary creditor for the amount of the police charges.

Dr. Marshall seconded.

Mr Collister accepted the amendment.

Agreed.

Mr W. M. Kerruish: Now I have a new paragraph to add to the clause providing that a racecourse licensed under this Act shall be deemed to be a "betting-house" in section 9 of the Gaming and Betting Act, 1907. There is no need to discuss it, as it is exactly the same as we have decided already. Section 9 of the Act of 1907 provides that no house shall be used for the purpose of receiving bets. This amendment includes a racecourse among the places which may be called "betting-houses," and it would hereafter be illegal to take bets on a racecourse, either upon a horse race or on anything else. I don't know that it is absolutely essential to do this, but I think it is a wise precaution to take, and they will come to a conclusion upon it when the Bill goes to another place.

Mr Goldsmith seconded.

Agreed.

Mr W. M. Kerruish: Then there is a new clause providing that it shall be a condition of a licence granted under this Act that the holder shall not permit any person to frequent or loiter upon his premises for the purposes of betting. That is exactly the same principle.

Mr J. Quaitrough seconded.

The clause was carried, Mr Moughtin calling "No."

Clause 15 (Recovery of penalties), and the schedule, containing the prescribed form of licence, passed.

Clause 2 defines a horse race as a race in which horses, mares, or geldings compete with each other, or against time, for a prize or for a bet or wager, and at which more than twenty persons are present.

Col. Moore: I oppose this definition altogether. I think—

Mr W. M. Kerruish: I am going to move a proviso which will meet what I think is the hon. and gallant member's difficulty—"but shall not mean a race or competition permitted by a recognised agricultural society as an exhibition of stock."

Mr Radcliffe seconded.

Col. Moore: Even that amendment would not put it right. In England, I understand a "race meeting" means a meeting with, say, three different races. There is no objection in any sense to what is called a match, where friends' horses run against each other. Whether twenty or thirty, or more people, attend such a match, makes

no difference. If you have a gathering where there are two or three matches, it is a "meeting," and these meetings, if not under the proper rules of race meetings, would be called "flapping races." I am sorry that the Manx races are not under proper rules, because I consider horseracing is one of the finest sports in the world. You might as well try to stop human beings racing, or greyhounds racing, or any sort of racing. It is not because a race is a horse race that there is harm in it. Personally, I consider betting a mistake, but if people really wish to invest their money in that way, I am not going to stop them. I am quite sure this clause is quite wrong, but I cannot at the moment exactly suggest how it should be altered. I think we should postpone it. ("No.")

The clause was carried.

The title and preamble passed.

Mr Radcliffe moved that the House adjourn to the Tynwald Court this day fortnight.

Mr Goldsmith: Make it 10-30 a.m. We can take some third readings.

The House adjourned to Tuesday, March 4th, at 10-30 a.m.