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32,1949

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No. 96 of 1946 OF LONDON

In the Privy Council

3 Apr 1951

INSTITUTE ON APPEAL
FROM THE SUPREME COURT OF TRINIDAD AND TOBAGO.

BETWEEN

LENNOX ARTHUR PATRICK O'REILLY, Kt.
CHARLES ARTHUR CHILD
GEORGE de NOBRIGA
CLIFFORD TRESTRAIL and
SYDNEY LIDDELOW

Stewards of the Trinidad Turf Club (Defendants)- - *Appellants*

AND

CYRIL CUTHBERT GITTENS (Plaintiff) - - - *Respondent.*

RECORD OF PROCEEDINGS.

J. N. MASON & CO.,
41-44 TEMPLE CHAMBERS,
TEMPLE AVENUE, E.C.4,
Solicitors for the Appellants.

MAPLES, TEESDALE & CO.,
6 FREDERICK'S PLACE,
OLD JEWRY, E.C.2,
Solicitors for the Respondent.

PC
S.N.9.G.2

Judgment 32, 1949

No. 96 of 1946.

30912

In the Privy Council.

ON APPEAL

FROM THE SUPREME COURT OF TRINIDAD AND TOBAGO.

BETWEEN

LENNOX ARTHUR PATRICK O'REILLY, Kt.
CHARLES ARTHUR CHILD
GEORGE DE NOBRIGA
CLIFFORD TRESTRAIL and
SYDNEY LIDDELOW

Stewards of the Trinidad Turf Club (Defendants) - - - *Appellants*

AND

CYRIL CUTHBERT GITTENS (Plaintiff) - - - *Respondent.*

1 JUL 1953
INSTITUTE OF ADVANCED
LEGAL STUDIES

RECORD OF PROCEEDINGS

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19450 LEGAL STUDIES,
25, RUSSELL SQUARE,
LONDON,
W.C.1.

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In the Privy Council.

ON APPEAL

FROM THE SUPREME COURT OF TRINIDAD AND TOBAGO.

BETWEEN

LENNOX ARTHUR PATRICK O'REILLY, Kt.
CHARLES ARTHUR CHILD
GEORGE DE NOBRIGA
CLIFFORD TRESTRAIL and
SYDNEY LIDDELOW

10

Stewards of the Trinidad Turf Club (Defendants) *Appellants*

AND

CYRIL CUTHBERT GITTENS (Plaintiff)

Respondent.

RECORD OF PROCEEDINGS

No. 1.

WRIT OF SUMMONS.

TRINIDAD.

In the Supreme Court of Trinidad and Tobago.

No. 126 of 1944.

20 Between CYRIL CUTHBERT GITTENS - Plaintiff

and

LENNOX ARTHUR PATRICK O'REILLY, Kt.,
CHARLES ARTHUR CHILD, GEORGE DE
NOBRIGA, CLIFFORD TRESTRAIL and
SYDNEY LIDDELOW, Stewards of the
Trinidad Turf Club - - Defendants.

GEORGE VI by the Grace of God, of the United Kingdom of Great Britain, Ireland and the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

30 To: Lennox Arthur Patrick O'Reilly Kt., Charles Arthur Child, George de Nobriga, Clifford Trestrail and Sydney Liddelow, Stewards of the Trinidad Turf Club, all of the City of Port of Spain

WE COMMAND you within eight days after the service of this Writ on you, inclusive of the day of such service, you do cause an appearance

*In the
Supreme
Court of
Trinidad
and Tobago.*

No. 1.
Writ of
Summons,
5th May
1944.

*In the
Supreme
Court of
Trinidad
and Tobago.*

No. 1.
Writ of
Summons,
5th May
1944,
continued.

to be entered for you in our Supreme Court, Port of Spain, in an action at the suit of Cyril Cuthbert Gittens of the City of Port of Spain, Doctor of Dental Surgery,

And take notice that, in default of your so doing, the Plaintiff may proceed therein, and judgment may be given in your absence.

Witness: His Honour Mr. HENRY WILLIAM A. BUTLER BLACKALL, K.C., B.A., LL.B., Chief Justice of our said Court at Port of Spain, in the said Island of Trinidad, this 5th day of May, 1944.

N.B.—This Writ is to be served within twelve Calendar Months from the date thereof, or if renewed within Six Calendar Months from the date 10 of such renewal, including the day of such date and not afterwards.

The Defendant may appear hereto by entering an appearance either personally or by Solicitor at the Registrar's Office, at the Court House in the Town of Port of Spain.

THE PLAINTIFF CLAIMS—

A. A declaration that the decision of the defendants acting as Stewards of the Trinidad Turf Club on the 29th day of April, 1944, upon an enquiry into the alleged doping of the Plaintiff's racehorse "Tommy Boy" was and is null and void for the reasons that:—

20

- (A) two of the said Stewards were biased and/or
- (B) the said Stewards had no jurisdiction, or, alternatively, exceeded their jurisdiction, and/or
- (C) the said decision was contrary to the dictates and laws of natural justice.

B. An injunction restraining the defendants and each of them as Stewards of the Trinidad Turf Club from taking any action in respect of the Plaintiff or of the Plaintiff's racehorse "Tommy Boy" or otherwise, to implement or carry into effect in any manner whatsoever the said decision or any part thereof.

30

C. Such further and other relief as the nature of the case may require.

And \$ (or such sum as may be allowed on taxation) for costs, and also, in case the Plaintiff obtain an order for substituted service, the further sum of \$ if the amount claimed is paid to the Plaintiff or Solicitor or Agent within four days of the service hereof, further proceedings will be stayed.

This Writ was issued by Mr. E. BOSWELL INNISS of and whose address for service is No. 26 St. Vincent Street, Port of Spain, Trinidad, Solicitor 40 for the said Plaintiff, who is a Doctor of Dental Surgery and carrying on business as such at No. 31 Frederick Street, in the City of Port of Spain.

E. BOSWELL INNISS,
Solicitor for Plaintiff.

This Writ was served by me at _____ on the defendant _____ on _____ the _____

Endorsed the _____ day of _____ day of _____

No. 2.

STATEMENT OF CLAIM.

STATEMENT OF CLAIM

of the above-named Plaintiff, delivered by his Solicitor, Mr. EDGAR BOSWELL INNIS, of No. 26, St. Vincent Street, Port of Spain, this 16th day of October, 1944.

(Sgd.) E. BOSWELL INNIS,
Plaintiff's Solicitor.

*In the
Supreme
Court of
Trinidad
and Tobago.*

No. 2.
Statement
of Claim,
16th
October
1944.

1. The plaintiff is a doctor of dental surgery, practising as such in
10 the City of Port of Spain, and was, in the months of March and April,
1944, and at all material times, a professional trainer of racehorses and the
owner and trainer of the racehorse known as "Tommy Boy."

2. The defendants are (and were at all times material to this action)
five of the stewards of the Trinidad Turf Club and, with reference to the
matters hereinafter alleged purported so to act.

3. A recognised race meeting was on the 2nd and 4th days of March,
1944, held in the island of Tobago by the Tobago Turf Club under the
sanction of the said Trinidad Turf Club and the defendant de Nobriga was
(and acted as) one of the stewards of the said meeting.

20 4. At the said race meeting, the said "Tommy Boy" was (and was
declared to be) the winner of two several races run on the said 4th day of
March, 1944.

5. On the 4th day of May, 1944, the defendants purported, as such
stewards as aforesaid, to decide and order as follows:—

(A) That the said "Tommy Boy" be disqualified as from the
said 4th day of May, 1944, from all future racing under the rules
of the Trinidad Turf Club;

(B) That the plaintiff's licence as a trainer be withdrawn;

(C) That the plaintiff be warned off the turf.

30 6. The alleged grounds upon which the defendants purported so to
decide and order were:—

(A) that a drug was administered to the said "Tommy Boy"
on the said 4th day of March, 1944, which was calculated to affect
his speed;

(B) that the plaintiff was to be held responsible for the
safe guarding of the said "Tommy Boy."

7. The plaintiff says that the whole of the said decision and order is
(and was at all material times) null and void and of no force or effect,
because the defendants had no jurisdiction and/or power in the circum-
stances (or at all) to make the same or any part thereof.
40

8. Assuming but not admitting, that the Stewards of the Trinidad
Turf Club (or any of them) had any such jurisdiction and/or power, the
plaintiff says that the said decision and order were vitiated (and should
be set aside) because the defendants were an improperly constituted

*In the
Supreme
Court of
Trinidad
and Tobago.*

No. 2.
Statement
of Claim,
16th
October
1944,
continued.

tribunal in that two of their number to wit, the defendants de Nobriga and Liddelow and each of them were disqualified from sitting thereon on the ground that they were interested in the said inquiry and in the said adjudication and/or were biased, partial, and prejudiced towards the plaintiff.

9. In the further alternative the plaintiff says that the said decision and order were arrived at against the dictates of natural justice in that there was nothing brought before the defendants which could justify any tribunal in arriving at any such decision and/or in making any such order thereupon. 10

10. The defendants as such stewards as aforesaid, threaten (and intend) to give full effect to the said decision and order, both as to the plaintiff and to his racehorse "Tommy Boy," unless restrained by order of this Honourable Court from so doing.

THE PLAINTIFF THEREFORE CLAIMS :

A. A declaration that the defendants acting or purporting to act as stewards of the Trinidad Turf Club had no jurisdiction to entertain the said inquiry or to make any of the said decision or orders thereon or alternatively that they exceeded their jurisdiction by making any decision or order against the plaintiff 20 and/or his racehorse "Tommy Boy" and/or that the defendants de Nobriga and Liddelow (either or both of them) were disqualified from participating in the said inquiry or in any of the decision or orders thereon and/or that the said tribunal was improperly constituted and/or that the said defendants failed to make any due or proper inquiry and/or that the said decision or orders were and are, contrary to the dictates of natural justice.

B. A declaration that for the reasons aforesaid (or any of them) the said decision and/or orders were, and are, null and void and/or should be set aside. 30

C. An injunction restraining the defendants (and each of them), as Stewards of the Trinidad Turf Club or otherwise from taking any step or doing any act or thing in respect of the plaintiff and/or his said racehorse "Tommy Boy" to implement or carry into effect in any manner whatsoever the said decisions and/or orders made by the defendants as aforesaid.

D. Such further and/or other relief as the nature of the case may require.

(Sgd.) H. O. B. WOODING

Of Counsel. 40

No. 3.

REQUEST for Particulars of Statement of Claim.

13, St. Vincent Street,
Port of Spain,
Trinidad.

25th October, 1944.

*In the
Supreme
Court of
Trinidad
and Tobago.*

No. 3.
Request for
Particulars
of
Statement
of Claim,
25th
October
1944.

E. Boswell Inniss Esq.,
Solicitor & Conveyancer,
St. Vincent Street,
Port-of-Spain.

10

Dear Sir,

Gittens *vs.* O'Reilly & Ors.

On behalf of our clients, the defendants in the above action, we require the following particulars of the Statement of Claim herein, viz. :—

(1) Particulars of the interest of the defendants de Nobriga and Liddelow and each of them in the inquiry and adjudication as alleged in paragraph 8 of the Statement of Claim.

(2) Particulars of the bias of the defendants de Nobriga and Liddelow and each of them towards the plaintiff as alleged in paragraph 8 of the Statement of Claim.

20

(3) Particulars of the partiality of the defendants de Nobriga and Liddelow and each of them towards the plaintiff as alleged in paragraph 8 of the Statement of Claim.

(4) Particulars of the prejudice of the defendants de Nobriga and Liddelow and each of them towards the plaintiff as alleged in paragraph 8 of the Statement of Claim.

Yours faithfully,

(Sgd.) J. D. SELLIER & CO.

*In the
Supreme
Court of
Trinidad
and Tobago.*

No. 4.
Particulars
of
Statement
of Claim,
4th
December
1944.

No. 4.

PARTICULARS of Statement of Claim.

26, St. Vincent St.,
Port of Spain,
Trinidad B.W.I.

December 4 1944.

Messrs. J. D. Sellier & Co.,
Solicitors, &c.,
St. Vincent Street,
Port-of-Spain.

10

Dear Sirs,

Re : *Gittens vs. O'Reilly & Ors.*

With reference to the request for particulars contained in your letter of the 25th October, 1944, I have to reply as follows :—

1. The defendant, Liddelow, was (as stated in paragraph 8 of the Statement of Claim herein) interested in the said inquiry and/or adjudication, in that he was the owner of the racehorse "Dusty" which, was at the said meeting, placed second to the said racehorse "Tommy Boy" in one of the two races (namely, the Bon Accord Handicap) referred to in paragraph 4 of the said Statement of Claim.

20

The plaintiff does not allege that the defendant de Nobriga had any interest.

2. As to the paragraphs numbered 2, 3 and 4 in your letter under reply :—

(A) In the last line of paragraph 8 of the Statement of Claim herein the word "towards" was inadvertently used for the word "against." Accordingly, the plaintiff will at the hearing apply for a formal amendment of the said pleading.

(B) (i) In or about the year 1927, Melville de Nobriga a brother of the defendant de Nobriga, became estranged and was subsequently separated from his wife. The cause, or alternatively, one of the causes of such estrangement and separation was the allegation by the said Melville de Nobriga of improper and/or undue familiarity between his said wife and the plaintiff.

30

The defendant de Nobriga has at all material times believed in the existence of such familiarity and has complained of the same to the said Melville de Nobriga by two several letters dated respectively 29/10/27 and 31/10/27.

(ii) The said belief of the defendant was the basis of the bias and/or impartiality and/or prejudice of the defendant against the plaintiff.

40

(c) (i) In or about the year 1929, the defendant Liddelow was a patient of the plaintiff and was indebted to him for professional services. The said defendant refused and/or failed to discharge the account of the plaintiff therefor : and accordingly, the plaintiff was compelled to and, did take action at law for the recovery of

the same. The said defendant took umbrage at the course adopted by the plaintiff and thereupon severed all professional and social relations with the plaintiff.

*In the
Supreme
Court of
Trinidad
and Tobago.*

(ii) The said action by the plaintiff was the basis of the bias and/or partiality and/or prejudice of the said defendant against the plaintiff.

No. 4.
Particulars
of
Statement
of Claim,
4th
December
1944,
continued.

10 (D) By reasons of the circumstances set out in paragraphs B (i) and C (i) hereof the defendants de Nobriga and Liddelow have respectively not at any material times and continue not to be on speaking terms with the plaintiff. The general attitude of the said defendants (and each of them) has consistently been and continues to be hostile and antagonistic to the plaintiff. It has at all material times been and is notorious, particularly among racing men in the Colony that the said defendants have (and each of them has) been biased and/or partial and/or prejudiced against the plaintiff.

20 (E) (i) On the final day of the Christmas (1943) Meeting of the Trinidad Turf Club at Port of Spain, to wit, the 3rd day of January, 1944, one Lionel Trestrail acted as a Steward of the Trinidad Turf Club in the place and stead of his brother the defendant Trestrail. On the same day The Honourable J. D. Chandler also acted as a Steward in the place and stead of the defendant Liddelow.

(ii) On the said day the said Stewards (including the said Lionel Trestrail and the said Chandler) held certain inquiry and, in the result, imposed a fine upon one Dr. Cecil Gittens, a brother of the plaintiff and a trainer of racehorses in this colony.

30 (iii) On the 4th day of January, 1944, at No. 6 Broadway in Port of Spain, the said Liddelow spoke to the said Lionel Trestrail the words following, that is to say:—"Lionel, man, you have let us down badly. We had our chance with one brother (meaning the said Dr. Cecil Gittens) and you let him off. If we had got him, we would have got the other (meaning the plaintiff)."

(iv) The said words meant:—

(a) That the said Lionel Trestrail had failed to make use of the opportunity provided at the said inquiry to agree to a cancellation of the licence of Dr. Cecil Gittens as a trainer of racehorses.

40 (b) That the said defendant was anxious to make use of any opportunity to deprive the plaintiff of his licence as a trainer of racehorses.

(v) The said words were an expression by the said defendant of bias and/or partiality and/or prejudice against the plaintiff.

Yours truly,

(Sgd.) E. BOSWELL INNISS.

*In the
Supreme
Court of
Trinidad
and Tobago.*

No. 5.
Defence,
29th
January
1945.

No. 5.

DEFENCE.

DEFENCE

fo the Defendants delivered this 29th day of January, 1945, by their Solicitors, Messrs. J. D. Sellier & Co., of Nos. 11A & 13 St. Vincent Street, Port of Spain.

J. D. SELLIER & CO.
Solicitors.

1. The defendants admit the allegations contained in paragraphs 1, 3 and 4 of the Statement of Claim other than the allegation in paragraph 1 10 thereof that the plaintiff was, at all material times, a professional trainer of racehorses.

2. The Trinidad Turf Club (herein called "the Club") is an unincorporated body formed in the Colony of Trinidad and Tobago and consists of over seventy members. It is the recognised turf authority in the said Colony under whose sanction and authority race meetings are from time to time organised and held in this Colony. The Stewards of the Club (six in number) derive their jurisdiction and powers under the Rules of the Club, and the Rules of Racing of the Club (hereinafter called "the Rules of Racing"). The Club also has a common law power to 20 exclude persons from premises belonging to, occupied by or under the control of the Club; such power is under the Rules of the Club and/or the Rules of Racing exercisable by the Stewards of the Club.

3. The Club is the occupier under license from the Crown of certain racing premises situate on the Queen's Park Savannah in Port of Spain.

4. On 2nd December, 1943, the plaintiff, in accordance with the provisions of the Rules of Racing which apply to all meetings held under the sanction of the Club, obtained from the Stewards of the Club a licence from the year ending 31st October, 1944, authorising him to train 30 racehorses to run at meetings held under the sanction of the Club.

5. The said licence was issued subject to the Rules, Regulations and Resolutions of the Club for the time being and it was an express term of the said licence that the said licence might be withdrawn or suspended by the Stewards of the Club in their absolute discretion and such withdrawal or suspension might be published in any local newspaper or newspaper for any reason which might seem proper to the Stewards of the Club and that they should not be bound to state their reasons.

6. There was issued an official programme containing conditions governing the said Race Meeting referred to in paragraphs 3 and 4 of the Statement of Claim. One of the said conditions was that all horses entered 40 for the said Race Meeting should be subject to the Rules and Regulations of the Club.

7. The entry of the said racehorse "Tommy Boy" was made by the plaintiff subject to the said conditions.

8. By reason of the premises, the plaintiff submitted himself to the jurisdiction of the Club and of the Stewards of the Club and to the Rules, Regulations and Resolutions of the Club and to the Rules of Racing and to the decision of the Stewards of the Club in any matter relating to racing in the said Colony.

9. By letter dated 21st April, 1944, the Secretary of the Club informed the plaintiff, as owner and trainer of the said racehorse "Tommy Boy," that it had been reported to the Stewards of the Club that evidence of the presence of heroin had been discovered by the Government Analyst in swabs of Saliva taken from the said racehorse at the Tobago Race Meeting held in March, 1944 (which is the Race Meeting referred to in paragraphs 3 and 4 of the Statement of Claim). The plaintiff was further informed that the Stewards of the Club had decided to hold an inquiry into the said matter on the 25th April, 1944, and the attendance of the
10 plaintiff at this inquiry was requested.

10. On the 25th and 29th days of April, 1944, the defendants as Stewards of the Club, held an inquiry into the said matter referred to in the said letter and at such inquiry the plaintiff was present in person and had the assistance of counsel and solicitor.

11. At the commencement of the said inquiry the plaintiff by his counsel objected to the defendants de Nobriga and Liddelow sitting as Stewards on the inquiry on the ground of bias and/or prejudice, and/or partiality. The defendants de Nobriga and Liddelow, informed the other
20 defendants that neither they (the defendants de Nobriga and Liddelow) nor either of them had any bias, prejudice or partiality against the plaintiff. The defendants, other than the defendants de Nobriga and Liddelow, decided that the Stewards as then constituted including the defendants de Nobriga and Liddelow should sit on the said inquiry. On being so informed the plaintiff by his counsel stated that he was satisfied that the defendants de Nobriga and Liddelow would adjudicate in good faith and accordingly the plaintiff thereby acquiesced in the said decision, or, alternatively, waived his said objection.

12. The defendants fully investigated the said matter and heard the evidence of the plaintiff and other persons in connection with the same.
30 The plaintiff at such inquiry was fully heard. Counsel who appeared for him was given an opportunity to, and did in fact, cross-examine the persons who gave evidence at the same inquiry. At the close of the evidence counsel for the plaintiff was heard and made submissions on behalf of the plaintiff.

13. After a full investigation of the facts, and after hearing the submissions of counsel for the plaintiff, the defendants found :

1. That a drug was administered to the said racehorse "Tommy Boy" on the second day of the said Tobago Race Meeting, viz., 4th March, 1944, which was calculated to affect its speed ;
- 40 2. That the plaintiff, as trainer, was responsible for the safeguarding of the said racehorse ;

and ordered

1. That the said racehorse be disqualified as from 29th April, 1944, from all future racing under the rules of the Club.
2. That the licence of plaintiff as trainer be withdrawn.
3. That the plaintiff be warned off pursuant to the powers vested in the Stewards of the Club.

*In the
Supreme
Court of
Trinidad
and Tobago.*

The expression "warn off" means (and was understood by the plaintiff to mean) that a person who has been so notified shall be excluded from any premises belonging to, occupied by or under the control of the Club.

No. 5.
Defence,
29th
January
1945,
continued.

14. The defendants deny that they had no jurisdiction or power to adjudicate in the said matter and will contend that they had jurisdiction so to adjudicate for the reasons set out in paragraphs 2 to 8 hereof inclusive and that the said decision was within the powers vested in them as such Stewards as aforesaid. The defendants will refer at the trial to the Rules of the Club and to the Rules of Racing which *inter alia* confer on them jurisdiction and power to make the orders complained of. 10

15. As to the allegations contained in paragraph 8 of the Statement of Claim, the defendants deny that the defendants were an improperly constituted tribunal or that the defendant de Nobriga or the defendant Liddelw was disqualified from sitting thereon on the ground of interest or bias or partiality or prejudice against the plaintiff or for any other reason.

16. As to the allegation of interest against the defendant Liddelw contained in paragraph 8 of the Statement of Claim (and more particularly set out in particulars delivered by the plaintiff's solicitor by letter of 4th December, 1944, in which said letter the allegation of interest against the defendant de Nobriga was withdrawn) the defendants say that no such objection was raised by the plaintiff or his counsel at the said inquiry. Assuming but not admitting that the said objection was valid, the plaintiff by his conduct and/or acquiescence waived the same. Alternatively, the defendants admit that the defendant Liddelw was the owner of a racehorse known as "Dusty" which was placed second to the said racehorse "Tommy Boy" in one of the two races referred to in paragraph 4 of the Statement of Claim. The defendants however will contend that the stakes in respect of the said race were paid to the plaintiff and the validity of the said payment was never in issue at any time during the said inquiry and has never been questioned by the defendant Liddelw or by any other person. 30

17. The defendants say that they were a properly constituted tribunal with jurisdiction to act in the premises. Under the Rules of Racing their decision as to matters within their jurisdiction is final.

18. The defendants further say that in adjudicating in the said matter they acted in good faith, in the best interest of racing and of the Club and that neither they nor any of them were or was influenced by any improper motive. 40

19. The defendants deny the allegations contained in paragraph 9 of the Statement of Claim and will contend that the said inquiry or adjudication was in conformity with the dictates of natural justice and within the jurisdiction and powers of the defendants as Stewards as aforesaid to which said jurisdiction and powers the plaintiff, as a licensed trainer of the Club and the person who had entered the said racehorse "Tommy Boy" at the Tobago Meeting held on the 2nd and 4th March,

1944, had submitted and that accordingly the present action is not maintainable by the plaintiff.

20. Save as to admissions herein contained the defendants deny each and every allegation contained in the Statement of Claim as if the same were herein set out and traversed seriatim.

G. O. M. O'REILLY,
of Counsel.

*In the
Supreme
Court of
Trinidad
and Tobago.*
No. 5.
Defence,
29th
January
1945,
continued.

No. 6.
REPLY.

REPLY

No. 6.
Reply,
14th
February
1945.

10

of the Plaintiff delivered this 14th day of February 1945 by his Solicitor, Mr. E. BOSWELL INNISS, of No. 26 St. Vincent Street, Port of Spain.

(Sgd.) E. BOSWELL INNISS,
Solicitor.

1. Save as to admission therein contained, the plaintiff joins issue with the defendants on their defence.

20 2. As to paragraphs 2 to 8 inclusive of the defence, the plaintiff repeats paragraph 7 of the Statement of Claim and says further that neither the acceptance of the said licence by the plaintiff nor the said entry of the said racehorse "Tommy Boy" had the alleged or any relevant effect upon the matters in the Statement of Claim complained of.

3. As to paragraph 11 of the Defence, the plaintiff denies :

(A) that either he or his Counsel at any time acquiesced in the decision there referred to or waived their said objection, and

(B) That the allegation contained in the concluding portion thereof had (or was intended and/or understood to have) any such meaning or effect.

30 4. As to paragraph 13 the plaintiff denies that the expression "warn off" had (or was intended or understood to have) either the limited meaning or effect therein alleged.

The plaintiff will, at the trial of this action, contend that the real meaning, intention, and effect of the said expression were to make the plaintiff a "Disqualified person".

5. As to paragraph 16 the plaintiff denies that he ever waived the objection therein referred to as alleged or at all, and says further that the allegations therein contained afford no answer to the plaintiff's contention to the effect that the defendant Liddelow was disqualified on the ground of interest.

(Sgd.) MALCOLM J. BUTT,
of Counsel.

*In the
Supreme
Court of
Trinidad
and Tobago.*

No. 7.
Judge's
Notes of
Evidence
of Trial,
24th April
1945.

No. 7.

JUDGE'S NOTES of Evidence of Trial.

24th April.

G. C. GITTENS

Plaintiff

v.

L. A. P. O'REILLY, Kt.

C. A. CHILD

G. DE NOBRIGA

CLIFFORD TRESTRAIL

S. LIDDELOW

Stewards of Trinidad Turf Club - - - Defendants

10

NOTES OF EVIDENCE OF TRIAL JUDGE.

Hannays, K.C., Butt and Wooding for plaintiff.

G. O'Reilly, K.C. & Algernon Wharton for defendants.

Wooding opens pleadings.

Hannays K.C. opens for plaintiff.

By consent English Rules of Racing put in in Ruff's Guide to the Turf
1943 at p. 24—Ex. ~~"A"~~ "B"

Rules of Racing 1940 Trin. Turf Club—Ex. ~~B.A.~~

By consent, correspondence between Government Chemist and 20
Secretary of T.T.C. 10.3.44—Ex. C.1.

Sec. T.T.C. to Govt. Chemist 14.3.44—Ex. C.2.

Govt. Chemist to Sec. T.T.C.—18.4.44—Ex. C.3.

By consent following exhibits put in—

Sec. T.T.C. to Plaintiff—21.4.44—C.4.

Pltff. to Sec. T.T.C.—24.4.44—C.5.

Sec. T.T.C. to Pltff.—24.4.44.—C.6.

Sec. T.T.C. to Pltff.—4.5.44—C.7.

decision of T.T.C.

By consent—

30

Letter from Sec. T.T.C. to Hon. Sec. Arima Race Club—12.6.44.

General Rules of T.T.C.—Rule 17.

Letter from Sec. T.T.C. to Hon. Sec. New Union Park Race Club.

Hannays, K.C. requests G. O'Reilly, K.C. to produce correspondence
between defendants and Jockey Club in England. Defendants refuse to
produce. Hannays will issue sub-pœna *duces tecum*.

Butt for plaintiff calls for production of notes of proceedings taken
before Stewards.

O' Reilly, K.C.: Some Stewards took private notes. Defendants do
not propose to produce these; these notes were for use of each individual 40
member of the enquiry.

No. 8.

CYRIL CUTHBERT GITTENS.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Plaintiff's
Evidence.*

No. 8.

Cyril
Cuthbert
Gittens,
Examina-
tion.

Plaintiff sworn says: My name is Cyril Cuthbert Gittens, dental surgeon. Practising for 31 years. Owner of racehorses in Trinidad for 28–30 years. Owner of several racehorses prior to enquiry of 1944, and engaged in racing them as owner. I have also been a trainer; amateur to begin with, subsequently a professional: I have been a professional trainer for about 20 years and was so at date of enquiry. During these years I have held trainer's licence continually. I engaged in racing on a large scale for Trinidad, having had as many as 18 horses at one time in my stable. I think I have had one of the biggest stables here most of these years. I think I have been very successful. On several occasions I have headed the list of trainers.

Race meeting at Tobago March 1944 when I attended. I had three horses running, one called "Tommy Boy." He was 10 years old and had raced for 8 years in Port-of-Spain, Arima, Union Park and Tobago. Prior to Tobago Meeting he had won several races. On second day he won two races. Entered in two races on first day: came second in one and place in the other.

Trinidad Turf Club introduced system of examining saliva of all winning horses—rule introduced five or more years ago. It was extended from Port-of-Spain to other Trinidad courses and was introduced for first time at the March Meeting 1944 of Tobago. I think that is correct. It was placarded round paddock on first day of meeting. On second day, I knew saliva of winning horse would be taken.

One hour before meeting started, under rule of Tobago Turf Club, Tommy Boy handed over to control of Stewards. This rule in force at other Trinidad meetings. One hour before meeting, no one allowed to go near his horse except with permission of one of those authorised by the Stewards to look after the horses. This includes owners, trainers, grooms and public. I complied with that rule on second day of races in Tobago, March 1944. Swabs were taken from Tommy Boy in my presence on second day.

On 21st April I received notice that enquiry would be held on Tuesday 25th April. I attended the enquiry with Counsel. I was called alone before the Stewards. I asked Chairman's permission to be represented by Counsel and Solicitor. He agreed. My Counsel attended. He made objections to two of Stewards sitting. Stewards present were defendants in this action. Two Stewards objected to were de Nobriga and Liddlelow; objection made on my own authority. I withdrew on request. Later summoned again.

Sir L. O'Reilly, chairman, said that, after discussion, he saw no reason why these Stewards should not continue to sit on enquiry. I didn't hear my Counsel say he was satisfied.

(*Hannays, K.C.*: We admit the last sentence in para. 11 of Statement of Defence to words "in good faith.")

*In the
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*Plaintiff's
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No. 8.
Cyril
Cuthbert
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tion,
continued.

Evidence was led. I had full opportunity of cross-examining and calling evidence. My Counsel was allowed to address the enquiry.

Witnesses called : Mr. Bennett, Secretary of T.T.C., who spoke as to practice of taking horses under control one hour before the race, and explained it as I have explained it to this Court. Mr. Davis then called : Government Chemist. He spoke as to presence of a drug in saliva of Tommy Boy. Exhibit C1 was before the Stewards, also C.2 and C.3. Davis, so far as I remember—my recollection was rather vague. He was asked for his notes. He said he had them but refused to produce them. I was not given any portion of the swabs taken from Tommy Boy. I had 10 no opportunity for an independent analysis. Davis asked about the bottles. After report C.3 he was getting bottles ready for Union Park Meeting.

(Counsel read from C.3 as to effects of heroin.)

I didn't see any veterinary surgeon called before the enquiry.

Mr. des Isles and Mr. McKenzie Joseph, Clerk of Paddock in Tobago, Arthur Waith, gave evidence. I also gave evidence about Tobago meeting as I have already given here. Des Isles gave evidence as to control over horses and McKenzie Joseph as to what happened at the race meeting. No one suggested to Stewards that I went to Tommy Boy's stable 20 after horse under Stewards' control, nor did I do so. No such suggestion about anyone in my employ so acting for me. No suggestion after Stewards took over supervision, that the horse showed signs of dope administration.

At end of enquiry I left on request and I was verbally informed, on return to their room, of the decision of the Stewards and subsequently received C.7.

(Counsel read last paragraph of C.7.)

As a racing man expression "warned off" is well-known expression. It means to be excluded from all Clubs, grounds and paddocks affiliated to Trinidad Turf Club, i.e. affiliated to Jockey Club in England. I so 30 understood. As a racing man I would not understand the expression to mean mere exclusion from premises of Trinidad Turf Club in Port-of-Spain, i.e. the race stand, paddock, race track and its inclosure on the Savannah, Port of Spain.

I am not a member and have never been a member of the T.T.C. I have never had Ex. D.

I am acquainted with a circulation called the Racing Calendar i.e. of England. This is a supplement of the English Racing Calendar issued by Weatherby & Sons of London. It publishes on the authority of the Jockey Club of England, notice of race-meetings, and other official notices 40 of Jockey Club and names of individuals warned off by any Turf Authority in any part of the world which is affiliated to the Jockey Club of England.

O'Reilly, K.C. : I object to any evidence of anything done by the Jockey Club of England as irrelevant.

Butt : We shall call evidence to show the defendants communicated this decision to the Jockey Club.

Court rules that what Jockey Club did as a result of communication by defendants is relevant.

O'Reilly, K.C. : I have no objection if I am over-ruled as to relevancy, as to the mode of proving this document by its mere production.

I produce the Supplement to the Racing Calendar showing persons warned off New Market Heath—Ex. E (see rule 9 of Rules of Racing).

My name appears underlined in red by me. I am described as warned off by Trinidad Turf Club, 1944.

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and Tobago.*

*Plaintiff's
Evidence.*

No. 8.
Cyril
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Examina-
tion,
continued.

26th April.

10

Gittens v. O'Reilly & others.

Same appearances.

C. C. Gittens (continuing).

At the enquiry my counsel took the point as to the jurisdiction of the Tribunal to warn me off.

In one of races Tommy Boy won (12th race on 2nd day) Dusty was second, owned by Liddelow ; if horse is disqualified through being doped, the stake money is given to the second horse. This is an accepted rule. Before the enquiry before the Stewards, I had been paid the stake money for Tommy Boy. At no time have I been asked to return it. At the
20 enquiry I did not take the objection that he had had a horse running. I never thought of it until later. If I had thought of it, I would have known that I could have objected.

I have known Liddelow for about 30 years. He was a patient of mine from about 1920–1929. Social relationship quite friendly during that period. In 1929 I had occasion to sue him for dental services rendered to himself and his family. He ignored my letter. I wrote to him, I gave him time to pay and told him what I would do. I sued him, got judgment and had to levy execution. I had been racing for many years before 1929; so had Liddelow. Before suit, relations on turf quite friendly. Spoke
30 on turf, assisted each others stables. Relation between turf going men is very friendly : such was relationship up to suit. After suit, he never came back to me professionally—nor his family. Socially, never same feeling as before. On turf we spoke but not as before. Marked difference. Relations deteriorated. For last ten years the estrangement was complete. I have not seen him visit or near my stables. I have not visited his stables since the break nor he mine. We met face to face but never spoke. He is not normally disposed towards me.

I did not consent to his sitting on enquiry. I felt he had personal ill-feeling towards me. I felt I hadn't a chance at the enquiry. I feel
40 so still. He always tried to avoid me. Defendant de Nobriga has brother in Trinidad who has a wife. They were married about 1920–25. Brother's name, Melville. I have known Melville de Nobriga's wife since she was a child 16 years old. I have known her two sisters for about same time. I was friend of the family. I don't remember knowing Melville de Nobriga before his marriage. My friendship with his wife's sisters continues and with his wife too. In 1927 defendant de Nobriga was a racing man and

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probably for some years before that. Up to 1927 my relations with defendant de Nobriga were quite friendly socially and on the turf.

In 1927 defendant de Nobriga wrote letters to Melville de Nobriga. I have seen those letters. I knew the handwriting to be his in a general way. I was shown the letters by Mrs. Melville de Nobriga. From that time defendant de Nobriga avoided me. We still spoke for a time but had hardly anything to do with each other. Eventually, we stopped speaking altogether. He was always on the turf very antagonistic to me after that. We never went near each other's stables. Only spoke if I had dealings with him in his official capacity. I saw defendant de Nobriga in London about 1934—before the war. We met at West India Club. We were both residing permanently in Trinidad. Object of West India Club is to give West Indians a common meeting ground. We encountered each other on three or four occasions but we never spoke. Racing men are very friendly. Since this trouble de Nobriga and I have never as much as said "Hello." I went before Stewards at Arima about 1940 or 1941. On entering Stewards' room I saw de Nobriga there. He was not a steward of meeting. He was a steward of the Trinidad Turf Club. He was asked to say what he saw of an incident. I objected to his giving evidence in any enquiry where I was concerned, because he was an enemy of mine and didn't like me. I said so. He heard me say so. He didn't deny it. He said "Dr. Gittens you seem to forget that I am the vice-President of the Trinidad Turf Club." We both hated each other. I objected to his sitting at the enquiry of the Trinidad Turf Club of 25th April, 1944. I felt I had no chance after defendant de Nobriga sat at the enquiry. I still feel so.

Cross-
examina-
tion.

Cross-examined by G. O'Reilly, K.C. :

Before 1944 I had been a professional trainer for about 20 years. As amateur I got nothing ; as professional I got 10 per cent. of all earnings of horses I trained. As amateur I trained other horses besides my own. I still carried on as a dentist. Out of 18 horses perhaps 15 of them might be my own. Sometimes the proportion would be half and half.

This is the licence I obtained from Stewards of Trinidad Turf Club for year ending 31st October, 1944 (Trainers' Licence C.C.G.1). I am familiar with Rules of Racing. (Counsel refers to Rule 74 of Ex. B). I do not obtain a licence under Rule 74—Ex. B.) I used to pay \$5 a year (witness looks at C.C.G.1). Yes I paid \$50. It was under Rule 74 that licence was issued. I am familiar with endorsement on licence as to licence being subject to rules, regulations and resolutions of the Trinidad Turf Club for the time being. By that I understood licence is issued subject to T.T.C. Rules of Racing—Ex. B but not Ex. D. I believe all clubs have rules.

To Court : I never saw a copy of Ex. D.

To O'Reilly : When I got C.C.G.1 I got licence from the Secretary of Trinidad Turf Club. In that year, defendants O'Reilly, Child, perhaps Judge Vincent-Brown ; I think Trestrail ; I believe de Nobriga and Liddelow were stewards. They have been stewards so long. I don't know if they were in that particular year. No ill-feeling that I knew of between myself and other stewards of Trinidad Turf Club. I don't know that the stewards are necessarily six in number.

Q. Did you feel yourself responsible to stewards of Trinidad Turf Club for horses you ran ?

A. I am responsible to the stewards of the meeting for the horses I had trained and which ran at that meeting.

My responsibility to Stewards of Trinidad Turf Club would only be for races at Port-of-Spain. At other meetings I am not responsible to them, but to the stewards of the meeting.

In my view stewards of Trinidad Turf Club have no power to hold enquiry into what took place at Tobago meeting without a report first coming from stewards of Tobago meeting. In this case I heard of no report from Tobago meeting to stewards of Trinidad Turf Club. I have a recollection of Chairman saying something to the effect. I was not on trial but on facts brought out there may be results which may seriously affect you. I can't remember. He may have said it.

Q. Did you answer "I understand that"?

A. I may have said so.

Q. Did you say "I realise this is a domestic tribunal"?

A. I don't remember.

I know that my duty as a trainer is to give stewards all assistance.

I regard doping of horses as a very serious matter and very damaging to sport of horse-racing. Stewards of every turf club should take steps to eradicate it. All racing in the Colony are run under the Rules of Racing Ex. B which are made by the Trinidad Turf Club.

(Counsel refers to Rule 17—Ex. B—and to power of Stewards of Trinidad Turf Club to enquire into matters relating to racing.)

I consider that doping is a matter relating to racing.

(Counsel hands to witness an official programme of Tobago meeting for March, 1944.) (Programme Spring Meeting 1944—C.C.G.2.)

Yes this is the official programme consisting of entries which is sent to owners and trainers (C.C.G.1). I entered Tommy Boy for the meeting. I owned Tommy Boy from time it was born.

Between early 1941 to end of 1943 Tommy Boy had 22 starts. 3 first, 1 second and 5 thirds and unplaced on 13 occasions.

(Counsel hands a list of the record to witness.)

Butt: Only evidence before Stewards at enquiry was Tommy Boy won 5 races, 2nd twice and 3rd five times.

O'Reilly: My question arises out of answer given by witness in examination-in-chief to effect that Tommy Boy had prior to Tobago meeting won on several occasions.

Butt: I only led that evidence because it was before the Stewards.

Court: Court only concerned with whether Stewards had evidence before them to support their decision. No other evidence to support their decision can now be relevant to that issue.

To O'Reilly: Saliva swabs taken in my presence. Practice was such as obtained at other meetings. Bottles covered with paper and glued. Trainer signs paper which seals the bottle. It is not practice to give owners any of swabs.

Horses in stalls are taken over one hour before 1st race. I suppose this is a precaution against doping. Some time before race, horses taken

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out of stall to other stalls for saddling (saddling stalls or "dope" stalls) —half-an-hour before race starts. Trainer or groom can go there with permission in presence of official authorised by Stewards of meeting to safeguard horses. Swabs taken from winning horses.

I felt embarrassed throughout the enquiry by the presence on the tribunal of my enemies.

My counsel didn't give particulars of why Liddelow and de Nobriga were unfriendly to me. No objection was made as regards pecuniary interest. Stakes had been paid to me. I thought matter was at an end.

Q. Was that reason why no objection made? 10

A. I had no thought at enquiry as to his financial interest. I wish I had.

Q. Did Chairman say on your being recalled that Liddelow and de Nobriga had said that you had been rude to them but they had no feeling of bias against you?

A. I don't recollect. I dispute that. I think I should have remembered that if it was said.

Q. Did your counsel say he was satisfied that de Nobriga and Liddelow would adjudicate in good faith?

A. I don't recollect. 20

Dr. Ammon gave evidence for me. He was asked about heroin by the Stewards.

To Court: No evidence was given before tribunal as to the time a horse to whom heroin was administered would remain under the drug. I can recollect some talk on that point by Dr. Ammon. I don't think he made any remark as to length of time drug remains effective.

To O'Reilly: I remember reference being made to text books during the enquiry. Stewards and my counsel had text books and used them.

Q. Did you say at the enquiry: "if I heard heroin given a horse I'd report it to Stewards and if horse won I'd assume it had increased horse's chances of winning"? 30

A. I can't remember telling Stewards that. I knew nothing about heroin.

Q. As to access to animals, one official put into position where he can see three horses saddled up?

A. Yes.

I don't recollect saying it is difficult to see all that is being done to each horse. I never recollect saying I had no doubt a slick person could get at a horse. I have no view as to whether a slick person could get at a horse. I remember some question being asked as to animals being placed in saddling stall before previous race run. Winston Kellman was my head lad that day. Tommy Boy won 8th and 12th races on 2nd day. Kellman may have told stewards that Tommy Boy in "dope" stall before 11th race won. I don't remember his saying "that everyone went to see 11th race, club officials went too." P. des Isles had acted as Clerk of Paddock. He was in charge of saddling stalls. Kellman may have said sometimes horses go into dope stall before previous race run. The actual saddling of horses is done either by trainer or head-lad under surveillance of official. 40

To Court: I think I said at enquiry that Kellman saddled Tommy Boy for both 8th and 12th. 50

To O'Reilly: Kellman said one of the grooms assisted me in saddling up.

Luncheon Adjournment.

Gittens: Cross-examination O'Reilly (continuing):

Q. Did your Counsel in addressing tribunal take up position that assuming stewards satisfied that horse doped, not contended that it was done for purpose other than affecting Tommy Boy's speed?

Butt: This is admitted.

10 Stewards of Trinidad Turf Club control racing enclosures &c. on Savannah at certain times. During those times I understand that Stewards of Trinidad Turf Club can exclude a person from those premises.

Q. If Stewards of Trinidad Turf Club exclude from Port-of-Spain premises, can the person be excluded in Barbados?

A. I have no views.

Tommy Boy was disqualified from the last day of the enquiry. Two weeks interval as a rule between the race and paying out of stakes. Defendant Liddelow hated me intensely. It follows that I reciprocated his feelings. It started in 1929 and intensity of feelings grew. I won Governor's Cup with Brown Ayah. After unsaddling mare she was on way
20 to paddock to be watered. Liddelow from stewards' box yelled out: "Bring that horse back—he is wanted for saliva test." Only horse at that meeting that they wanted to take that test from. Dr. de Boissiere, Vet., advised them otherwise. He did this to belittle me in front of my racing friends as much as he could. I didn't object to saliva test being taken. I don't think I sued his wife. I am sure it was Mr. Liddelow. I believe I did. The chief services were for him. He didn't see me and say I should not sue his wife. I don't know if she signed a confession for judgment. Between 1940-41, I had a conversation in presence of
30 others with Liddelow. At Union Park, one time, he came to speak about objection. I told him to favour me by having nothing to do with me. Liddelow has acted as a steward when I had been called up before stewards. I don't know how often, I have never on those occasions objected to Liddelow sitting. But these were trivial matters and I didn't consider it necessary to make objection.

Q. Do you remember Xmas Meeting 1938, you made complaint against jockey riding "Picton" for crossing "Lady Bird"?

A. I can't remember. I don't remember who the stewards were. I don't remember that "Picton" was disqualified and jockey fined \$15.00.

40 Q. On 22nd October, 1942, at Stewards' Meeting (with Liddelow present) you were fined \$5.00?

A. Perhaps I was not present at meeting.

Q. On 12th June, 1943, with Liddelow and de Nobriga present as stewards were you called to explain why your horse was doing slow work. Stewards accepted explanation?

A. Yes, after treating me in a most hostile manner.

Q. During course of enquiry, did Liddelow show any hostility to you?

A. He didn't, but he keeps himself quiet before others.

50 I had conversation with Liddelow at Barbados. Friends and I in water bathing and Liddelow joined us bathing. Conversation general.

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I don't say there was hostility. There was a serious conversation about a certain Government official in Trinidad. I don't recollect his coming to my office about this conversation on my return.

De Nobriga started to hate me since 1927. He has acted on a few occasions when I was before the stewards. I have never objected because the matter was never sufficiently serious.

At Xmas meeting 1942 I was before stewards for delaying sending out of Pippin. Other horses delayed as well. I was only one fined. Stewards included, I think, de Nobriga. I was fined \$50.00.

De Nobriga during enquiry in April 1944 didn't show any hostility. 10
He too keeps very quiet when others are around.

(Counsel reads Stewards' minute book as to Pippin incident.)

Objection by Bennet concerning a horse "Weglinde" against Yvonne (jockey) who had ridden "Thief of Bagdad" trained by me—at Arima Meeting August 1941. Stewards: Hannays, Edgar Inniss, de Gannes and perhaps Gaston Johnston I don't clearly recollect. De Nobriga was invited to give evidence. I objected to him. Hannays (chairman) said he had asked de Nobriga to say what he saw of the incident. My objection over-ruled. I asked that note of my objection be taken. Enquiry continued. Bennet's objection over-ruled. 20

At Tobago Meeting, 4th March, 1944, de Nobriga was president of the Tobago Racing Club. I had a horse "Sun Maiden" ridden by Paul. I heard afterwards there was objection by Trestrail for not keeping straight course. Jockey was fined \$50.00. Horse not disqualified. I don't know why I was not called in at the hearing of that objection. My jockey came and told me he had been fined \$50.00. I was at the back looking after my horses, saddling, &c. That is my recollection.

(Leave to O'Reilly to resume cross-examination of witness on letters from defendant de Nobriga to Melville de Nobriga.)

Liddelow and de Nobriga have bias, antagonism and hatred against 30
me.

I saw the originals of de Nobriga's letters in 1927. I don't know if Melville de Nobriga received those letters. I retained them for a few days in my possession. I made copies and gave them back to Mrs. Melville de Nobriga.

To Court: In England the owner or trainer is responsible for his horse up to the start. Such was the practice in 1930. I have been visiting English course for last 20 years and have English friends who own and train horses. I have lived with them and studied the practice of the English Turf. 40

Re-examin-
ation.

Re-examined: Wooding: Racing plays an important part in my life. My main occupation apart from my profession. Doping is very serious matter. I have reported instances where I suspected my groom of interfering with my horses and through my own report I have had my groom's licence taken away.

I was original person to propose the taking of swabs for detection of dope to Trinidad Turf Club at meeting between owners, trainers and the Turf Club.

I don't recollect my Counsel being asked for particulars as to bias by the members of the enquiry in April, 1944. Usually two weeks between 50
race and payment of stakes. First, it gives time to determine objections and secondly, to give Government Chemist time to report on saliva test.

I don't know of any other occasion on which Government Chemist has given second report after making his report.

Pippin, Cablegram and another were delayed. My horse was carrying top weight. Galt was Clerk of Paddock.

As to objection about my horse crossing at Tobago, objections about crossing are under Rule 102 (1). \$50 in my experience is highest fine imposed for crossing in Tobago.

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No. 9.

JULES HENRY BROOKS.

10 JULES HENRY BROOKS sworn states :

My name is Jules Henry Brooks, Ag. Sec. of Trinidad Turf Club, and have custody of Club's records. Club keeps copies of correspondence sent out to other clubs ; they are carbon copies—duplicate originals.

O'Reilly, K.C. makes same objection on grounds of relevancy as he did on production of Racing Calendar.

Court admits this evidence : until the Court has heard the defendants' legal argument, it cannot say if propositions advanced by Hannays, K.C. for plaintiff are correct. If Hannays' proposition correct, then this evidence should be material.

No. 9.
Jules Henry
Brooks,
Examina-
tion.

20 *Witness* (continuing) : I have not examined my records to see whether there are any duplicate originals of correspondence by the Trinidad Turf Club notifying other clubs in the Colony of the decision re plaintiff.

I produce correspondence with the Jockey Club of England (J.H.B.1). Letter from witness to Weatherby & Sons, authorised agent of Jockey Club of 6th June, 1944, informing them of decision about plaintiff.

I can't say if similar letters sent to other clubs. I could ascertain. I produce the latest supplement of Racing Calendar which we have. This contains plaintiff's name as warned off by Trinidad Turf Club in 1944. Comparing this with Exhibit "E." they appear to be the same but some
30 difference in printing (Racing Calendar—J.H.B.2). My copy was sent by Weatherby & Sons.

29th August.

Gittens *v.* O'Reilly & others.

Same appearances.

J. H. Brooks (continuing) : Letter to Secretary, Arima Race Club (C.8) and to Union Park Club written by me. I also produce letter 6th June 1944 (J.H.B.3) to Hon. Secretary, Tobago Race Club. Letter to Secretary, Barbados Turf Club 6th June, 1944 (J.H.B.4) ; to Secretary Demerara Turf Club, 18th May, 1944 (J.H.B.5) ; Secretary, Jamaica Jockey Club dated 12th June (J.H.B.6) ; Letter to Sr. Leo. Marquez G., Hipodomo
40 Nacional. Caracas, Venezuela (J.H.B.7). All letters in same terms and enclosure in each case same.

O'Reilly : No questions.

RALPH TEMPLETON GALT.

Second witness for plaintiff sworn states :—

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Plaintiff's
Evidence.*

No. 10.
Ralph
Templeton
Galt.
Examina-
tion.

My name is Ralph Templeton Galt. I am an M.B.E. Deputy-Sub-Intendant of Crown Lands living in Port-of-Spain. Associated with racing since boyhood. I was an amateur jockey for about 8 years. I was employed by Trinidad Turf Club over period of about 15 years: up to December, 1942. I never owned a horse. I attend all meetings. I know plaintiff and defendants, Liddelow and de Nobriga. For years past I have always thought Liddelow and plaintiff on unfriendly terms. There is also a feeling of antagonism exhibited between defendant de Nobriga and plaintiff. I have never seen Liddelow and plaintiff speaking or visiting each other's stables. This is most unusual. Racing men generally carry on friendly conversations and chaff one another. 10

In 1942, at time of Pippin incident, I was paddock superintendent in charge of horses in parade ring in Port-of-Spain. Xmas meeting. Horse called Cablegramme owned by Scott and Sunshine owned by a Scott. Pippin owned by J. Herrera and plaintiff. Order given to mount. Cablegramme still in observation or "dope" stalls; delayed by broken girth. I suspended saddling of Cablegramme. Sunshine and Pippin in the ring. Other horses had left to go to start. I spoke to plaintiff as a result of what I told him, Pippin remained in ring while Cablegramme being saddled. About 2 or 3 minutes later, I gave order to jockeys of Pippin and Sunshine to mount. Sunshine left immediately. Jockey riding Pippin noticed girth stuck and tightened it up. This took one or two minutes. Pippin then left. Cablegramme still being saddled, having trouble with girth. Eventually Cablegramme left. De Nobriga called me to stewards' box and asked my why I had allowed Pippin to remain in ring when others had gone. De Nobriga could from his position in box see that Sunshine was in ring. He should have seen that Cablegramme was still in stalls. De Nobriga never asked me any question about Sunshine or about Cablegramme. I told de Nobriga that I had called on plaintiff to take Pippin out and plaintiff had said he saw no reason to leave until Cablegramme left also. 20 30

To Court: I think Pippin's girth was really slack. Often done, that jockeys adjust girth after mounting.

To Butt: I did not suggest to de Nobriga that Pippin's girth tightening not in good faith. Pippin won race. After horses weighed in, I was called up by Stewards with plaintiff. I'm not sure who stewards were: de Nobriga and Sir L. O'Reilly were there. I was asked why Pippin was allowed to remain after other horses left. I told stewards why. I have told Court. Plaintiff said that what I had said was what happened. Plaintiff was fined \$50.00. No mention of Sunshine or of Cablegramme except by me, not by the Stewards. 40

At the next meeting of the Club I was not employed and have not been employed since then.

One hour before first race starts, horses came under my care together with assistants who work with me. After that no one allowed to go to a horse in a stall except with permission of myself or my assistants. That

applies to trainer, owner and everybody else. When horses taken to "dope" stalls, they leave my care and are then under the care of man in charge of horses in dope stalls.

He is usually a veterinary surgeon.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Plaintiff's
Evidence.*

—
No. 10.
Ralph
Templeton
Galt,
Examina-
tion,
continued.
Cross-
examina-
tion.

10 *Cross-examined by A. Wharton :* Club is entitled to rely on Paddock Superintendent to enforce Racing Rules which affect the Paddock. Stewards entitled to supervise the paddock and to call on a Paddock Superintendent to explain anything which appeared irregular. If person doesn't obey order, Superintendent should report this to Stewards. As Paddock Superintendent I should be allowed to use a certain amount of discretion.

To Court : I thought it reasonable to accept plaintiff's explanation of why he didn't take Pippin out—i.e. that Cablegramme still there.

To Wharton : Holding horse in paddock would give him an advantage if he was carrying a heavy weight.

20 *To Court :* Cablegramme left in two or three minutes after Pippin. About 2 or 3 minutes after plaintiff had explained why he didn't want to leave before Cablegramme, I insisted on Pippin and Sunshine leaving. Both jockeys mounted and left. Pippin delayed one or two minutes adjusting girth and then Pippin left.

To Wharton : About 5 or 6 minutes between time first horse left and Pippin went out. At time, I thought plaintiff wrong in not going out. I think he should have obeyed my first order. I never sent any report about plaintiff's behaviour to the Stewards. I think there were five stewards; not sure. I would not dispute that stewards were Sir L. O'Reilly, Judge Vincent Brown and de Nobriga. I never mentioned Sunshine to the stewards. He should have been mentioned—not by me.

To Court : The stewards only asked me why Pippin left in ring after other horses left. No mention made of any other horse.

30 *To Wharton :* Not one word mentioned about Cablegramme to me. Nor did I mention it to the Stewards. Everyone saw that her girth had popped. Eventually with a third girth Cablegramme went out and raced.

To Court : I told stewards that after ordering horses to leave. I walked to where Cablegramme was in the ring. Shortly after I saw Pippin and Sunshine still in ring. I called on plaintiff to take Pippin out. Plaintiff said he was carrying a heavy weight and saw no reason why he should leave before Cablegramme.

Court reads above note.

40 I don't think that is what I said to the Stewards. De Nobriga called me to stewards' box and asked me why I allowed Pippin to remain in the ring after other horses gone out. The others were not then present. This was before the race. After race run, I was called to stewards' box with plaintiff and again asked why I allowed Pippin to remain in the ring. I replied that I had spoken to plaintiff and told him to get Pippin out and plaintiff replied that he saw no reason why she should leave before Cablegramme. I gave no further statement to the Stewards. Plaintiff said that what I said had taken place.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Plaintiff's
Evidence.*

No. 10.
Ralph
Templeton
Galt,
Cross-
examina-
tion,
continued.

To Wharton : Stewards did not ask me to explain about Pippin and Cablegramme. Cablegramme's name was not mentioned. I saw nobody taking notes. Mr. Scarrott was secretary of the Club. He called me into Stewards' box. I can't remember if he was in Stewards' box when this matter was being discussed.

I would say note Stewards' minute book p. 120 would be wrong if it said that stewards were told that Cablegramme's girth was broken.

To Court : It was known to Stewards that Cablegramme's girth had broken. It could be seen from Stewards' box.

To Wharton : I can't remember telling Stewards, as recorded in note 10 book, that I thought plaintiff had done wrong or words to that effect.

The Stewards called me back when matter over. They censured me for not reporting the matter.

In observation stalls, the Trinidad Turf Club employs persons who assist in saddling together with owner or trainer and their grooms. The Trinidad Turf Club person bring water and wash bits ; I have seen some of them assisting in saddling. Trainers' groom put on bridle and saddle. Trainer sometimes assists. This is done sometimes before sometimes after leaving "dope" stalls, always with officials looking on.

I have never seen Liddelw and plaintiff speak in paddock like other 20 trainers.

Q. If a man says : "never you talk to me again." Would you do so ?

A. Depends on the size of man.

Q. by Court : Have you observed anything in conduct of de Nobriga and plaintiff from which you could infer they were unfriendly ?

A. I have seen plaintiff brought before stewards for the most trivial things.

No. 11.
Joseph
Herrera,
Examina-
tion.

No. 11.

JOSEPH HERRERA.

Third witness for plaintiff sworn says : My name is Joseph Herrera. 30 I am Secretary of Henderson Lands Estate and member of Trinidad Turf Club. For some years in U.S.A. ; returned in 1939. Since then I have taken part in racing ; first as spectator, then as owner. Took out licence as trainer in 1944. First licence as owner in 1942. It was my custom before race meeting in Port-of-Spain for about six weeks to visit horses in the morning and talk with various owners and trainers and see horses. I know plaintiff, de Nobriga and Liddelw.

I don't think de Nobriga and plaintiff friends. I have seen de Nobriga turn his back on more than one occasion when plaintiff and I walked through paddock. I have never in seven years seen them speak. De Nobriga 40 and I speak generally. De Nobriga and plaintiff never visited each other's stables. This is unusual. We go round to each other ; chaff each other. Relations between Liddelw and plaintiff similar to those between de Nobriga and plaintiff. I would say relations since I have been in racing, between plaintiff and de Nobriga and Liddelw were definitely unfriendly.

In Xmas meeting in 1942 plaintiff entered horse Mervyn II. She won a trophy. Plaintiff asked me to go and receive it for him. I went and

Scarrott (then Secretary T.T.C.) went to Stewards' box together from whom Trophy was to be received. Scarrott spoke to de Nobriga saying "Mr. Herrera here to receive trophy for Dr. Gittens." De Nobriga then said very abruptly "What right have you to come here for any trophy for Dr. Gittens." I told him that Gittens had asked me to receive it, but if he didn't wish to give it, it was all right with me; Gittens saddling his horses. De Nobriga turned his back on me and walked out. He said "Gittens must come himself or send to T.T.C. after meeting and collect his trophy." He spoke in very decisive manner. He turned his back. 10 I withdrew. Other Stewards present—4 or 5 in box. None of them participated in this incident.

I saw de Nobriga about 30 seconds later in centre of members' portion of stand. He came to me. He said "Herrera you are new in the game. If you wish to keep in the good graces of the Stewards, do not be rude to them and do not follow the advice of some of your friends." I understood him to refer to Dr. Gittens. I said I thought I knew how to conduct myself.

I remember Xmas Meeting 1939. Governor's Cup Race won by Brown Ayah owned by plaintiff. As Brown Ayah led away from winning enclosure back to paddock, Liddelow shouted "Bring that horse back Bishop (the groom); she is wanted for a saliva test." After about 15 20 minutes she was taken away. No saliva test taken. Horse for 15 minutes kept in ring where horses watered. Remark made very loudly so that everyone could hear. It appeared as if he was getting some satisfaction out of it.

I know the expression "warned off." I understand it to mean that one should not enter any rail enclosure or have anything to do with a horse that enters races run at a meeting recognised by a turf authority affiliated to the Jockey Club.

30 *Cross-examined by G. O'Reilly:* I owned horses from 1942-44. Plaintiff trained for me during these years. He only trained one horse for me—Pippin. I owned the horse in partnership with plaintiff. I got trainer's licence in May 1944. Soon after the enquiry into Tommy Boy. I had owned other horses besides Pippin. In 1943 I bought Bell Hop as a yearling. He was under care of plaintiff before May 1944. I had a quarter share in Scarva; plaintiff owned half share and Ivan Laughlin owned a quarter share.

40 Since May, 1944, I have taken over horses previously owned by plaintiff: Scarva, Pippin, Mermaid II, Solitaire, I think that was all. I have trained horses previously trained by him: Nylon, Experiment—I had from 4-11 horses in training: 4 or 5 previously trained by plaintiff and 4 or 5 from other owners or trainers. These were additional to 5 horses previously owned or part-owned by plaintiff. Nylon belonged to Lionel Gittens, brother of plaintiff; Whitstable by L. Gittens and Charles Attalle. Pippin now owned by L. Gittens and self. Scarva owned by Lionel Gittens, self and Laughlin; Solitaire owned by Lionel Gittens; Mermaid owned by Lionel Gittens.

50 I have won trophies. It is usual thing for winning owner to receive Trophy from the Vice-President of the Trinidad Turf Club. Plaintiff's not going to receive Trophy was because of ill-feeling between de Nobriga and plaintiff. De Nobriga was vice-President of the Trinidad Turf Club. I can't remember names of other Stewards present.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Plaintiff's
Evidence.*

No. 11.
Joseph
Herrera,
Examina-
tion,
continued.

Cross-
examina-
tion.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Plaintiff's
Evidence.*

No. 11.
Joseph
Herrera,
Cross-
examina-
tion,
continued.

I think de Nobriga's reference to being rude referred to me.

To Court :

Q. Did not de Nobriga regard plaintiff's action as discourteous ?

A. I believe de Nobriga thought I was being rude as agent of plaintiff.

Luncheon interval.

J. Herrera (continuing) : Cross-examined O'Reilly :

The presentation of trophy involves a small ceremony. I can only speak for the occasions I have received a trophy—3 times. I have not witnessed its presentation to others. I received my trophies personally. I do not dispute that trophies are usually given to owners or trainers. It would be unusual for person other than owner or trainer to come for trophy. I didn't remind plaintiff of this when he asked me to receive trophy. He told me it was distasteful to receive the trophy from Mr. de Nobriga. I merely told de Nobriga that he was saddling his horse. In fact he was saddling his horse. 10

In 1939 it was not the general practice to take saliva swabs from horses—the year of the Brown Ayah incident. It was left to discretion of stewards as to whether test was taken. As an owner of a horse I would not have been annoyed at the saliva test taken from winning horse. The Brown Ayah incident was first occasion I saw test applied to individual horse, nor did I see it after, till general rule introduced. Distance from Liddelow to horse about 30 ft. when he shouted. I don't think he had any need to shout. He would have to speak loudly or shout to attract groom (Bishop's) attention. People around Bishop said to him "you are wanted for a test." 20

I have visited de Nobriga's stables at odd times. Not in the usual morning time. I have no animosity towards him. I have no friendliness towards him or his horses. I also speak to Liddelow. I have no grudge against him. We are not bosom friends: we are not enemies. I have never asked him to see my horses. If he asked me to see I would let him come. I don't think I've asked anyone to visit my stables. I don't remember he had horses in the paddock. I think he kept them away from the paddock. I know he has one horse at St. James. I have never visited it. 30

My inference about Liddelow's relations with plaintiff depend on absence of friendly relations and the Brown Ayah incident.

By the expression "warn off" I mean that a person so warned off should neither train, own or ride any horse at any race meeting recognised by the Jockey Club nor enter any premises controlled by any club which is affiliated to the Jockey Club. 40

Stewards of Trinidad Turf Club can exclude from premises in Port-of-Spain any one warned off Newmarket Heath by virtue of the affiliation of their club to the Jockey Club.

Re-examination.

Re-examined Wooding : I would have resented test being applied to Brown Ayah, if my horse, as there was no apparent reason for such test being applied. I think proper procedure was for Stewards to send a message to groom instead of hailing him from the box.

Racing men do not wait for an invitation to visit each other's stables. The fact that I was very friendly with plaintiff was well-known and must be so to Liddelow and de Nobriga. 50

No. 12.

HENRY EDWARD HART.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Plaintiff's
Evidence.*

—
No. 12.
Henry
Edward
Hart,
Examina-
tion,

Fourth witness for plaintiff sworn states : My name is Henry Edward Hart. I was Lieut. Paymaster of H.M.S. Benbow. I was a public trainer of race horses. I have been associated with racing in Trinidad for about 40 years as owner and trainer. I know both plaintiff and defendant de Nobriga. In my opinion the relation of de Nobriga and plaintiff was one of intense and mutual hatred. The same applies to the relation between Liddelow and plaintiff. This is known all over Trinidad—owner, jockey,
10 groom. This has been so for a good many years.

I have seen de Nobriga and plaintiff turn their backs entering paddock and ignore each other. Same holds for Liddelow and plaintiff—a little worse I should say.

I remember Governor's Cup incident with Brown Ayah in 1939. Liddelow shouted to groom to bring him back after she won race. I thought Liddelow's manner vexed and attitude hostile—to show up plaintiff among his friends and were I plaintiff I should have been very vexed. Liddelow could have come downstairs. He did it in a way everyone could hear. Sufficient time to send messenger or come down.

20 I know expression "warn off." It means that a man can't run or train a horse to race anywhere and not allowed to enter any racing enclosure in any part of world so long as that club affiliated to Jockey Club. What is worse it leaves a terrible stigma on any man warned off.

Cross-examined Wharton : "Warned off" means warning off the turf.

I remember when plaintiff started racing. He owned and I trained for him. He had a mare called Naughty Girl about 1927—can't remember rightly. I trained for him about 2 years. He took over and started to train his horses. We have not owned horses in common. I still think a lot of plaintiff.

Cross-
examina-
tion.

30 Mutual hatred common knowledge among the racing public for a good many years. May be more or less than 10 or 15 years. It would be before World War II.

There is an annual meeting at Arima—most popular in Trinidad. Bound up with Santa Rosa Fête. Nearly every racing man goes.

Q. Who were stewards at Arima in 1940-41 ?

A. Hannays, Inniss, de Gannes, Gaston Johnston, Dr. Boucaud, Roger de Verteuil. All gentlemen of high integrity. They would not behave unjustly. I think they would protect you.

40 *Q.* If a person sitting with the Stewards to assist them was alleged to be biassed, I take it these Stewards would appreciate the point (three lawyers amongst them) ?

A. I think they would.

I think these Stewards are all racing men. I presume they would know antagonism between de Nobriga and plaintiff.

My idea of the expression "warned off" is got from the rules of racing. I believe the Trinidad Turf Club is affiliated.

50 I remember a Governor's Cup race in which my horse Eastern Flower ran. She won the race. Starter declared it no start. Stewards ordered the race to be run over. Myself and other owners refused to run over the race. Two horses went out for re-run. "Scramble" won the re-run and was declared the winner. I appealed to the Jockey Club of England.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Plaintiff's
Evidence.*

No. 12.

Henry
Edward
Hart,
Cross-
examina-
tion,
continued.

No. 13.

James
Henry
Johnson,
Examina-
tion.

The Jockey Club said they would not interfere with decisions of the Club here. I never heard it said that they had no jurisdiction.

I was friendly with Liddelow for a number of years. This friendship ceased some years ago—a little before May, 1944. The breach was caused by the enquiry in May, 1944. They tried to injure my personal friend and I wouldn't stand for it.

No. 13.

JAMES HENRY JOHNSON.

Fifth witness for plaintiff sworn states: My name is James Henry Johnson. Secretary of firm of G. L. Trestrail & Co. Ltd. Managing Director of that firm is a brother of the defendant Trestrail. 10

I remember races held in Port-of-Spain in Mid-Summer 1943.

(Witness withdraws and Wooding for plaintiff draws attention of Court to particulars furnished by plaintiff's solicitor to defendant's solicitors on 4th December, para. 2E, where the date of the incident is given as the Xmas Meeting 1943 whereas it was the Summer Meeting 1943—3rd and 5th July instead of 3rd and 4th January.)

O'Reilly: "It is late to apply for an amendment but I do not object."

(Court orders particulars to be amended accordingly.)

20

Witness (continuing): I attended this meeting. Dr. Cecil Gittens is a brother of plaintiff. The incident happened on the last day of the races—early in July. On the Monday following the races, Mr. Liddelow and Mr. Clifford Trestrail came into the office of Mr. Lionel Trestrail. Defendant Liddelow in a rather excited manner said to Lionel Trestrail: "Lionel man, you let us down badly. We had our chance with one brother, if we had got him, we would have got the other." My desk is next to that of Lionel Trestrail. Remark made in front of Lionel Trestrail's desk. Lionel Trestrail acted for his brother as a Steward on the last day of the races. Lionel Trestrail and Sidney Liddelow walked away to back of store where they remained for some time speaking together. 30

Cross-
examina-
tion.

Cross-examined G. O'Reilly: I have been working for 21 years at Trestrails. I am a good friend of the Gittens family. Plaintiff's brother, Lionel, married my sister about 11 years ago. This is a well-known fact in the community.

I did not hear of an incident involving Dr. Cecil Gittens on the last day of the races. I heard about this incident on the Monday morning. That is 5th July. Lionel Trestrail told me of the incident. This conversation took place in the morning before I overheard the conversation between Lionel Trestrail, Sydney Liddelow and Clifford Trestrail. I was at my desk; Lionel Trestrail was at his desk. We were a few feet apart. Sydney Liddelow and Clifford Trestrail went right up to Lionel Trestrail's desk. First thing I heard was when Liddelow made the remark: "Lionel, you have let us down badly, &c., &c. . . ." There must have been other clerks in the store. There were other desks. But the clerks don't sit down all the time. I can't remember any other clerk within 40

earshot. Lionel said nothing in reply. Clifford Trestrail said nothing. Liddelow spoke out—not in a low tone—any other person there would have overheard the remark. Lionel Trestrail rose from his chair and all three walked away. I am sure that this conversation took place. I am on oath. I didn't think Liddelow's remark strange, after the conversation I had had with Lionel Trestrail earlier in the morning. Lionel Trestrail told me that Chandler acted for some one in Barbados. He didn't say if Liddelow acted or that some one deputed for him. From Liddelow's remarks, I didn't gather that Liddelow had not sat with the stewards that day. I didn't take a note of the conversation. I mentioned it to plaintiff the same evening at his office. I was passing and went in.

I was first asked to give a statement in this case about 1½ years ago. It would be about 1½ years after the statement was made. It was after the enquiry into Tommy Boy that I was asked to make a statement.

I must have thought of Liddelow's remark between my report to plaintiff and my being asked to give a statement.

30th April.

126/44

GITTENS

V.

20

O'REILLY & ORS.

Same appearances.

J. H. Johnson (continuing under cross-examination by O'Reilly.)

I understood by Liddelow's remark that Liddelow and others were out to damage the racing career of the Gittens Brothers. I was very friendly with both brothers. Liddelow's statement made a great impression on me at the time.

I heard of enquiry into "Tommy Boy" incident in April 1944. I heard that plaintiff had had licence withdrawn and had been warned off. I considered this damaged his racing career. I can't remember if I then
30 recollect Liddelow's remark in Trestrail's store.

I gave the Xmas Meeting of 1943 as the date of the incident when I was asked to give a statement. I was asked to give a statement three meetings after it was made. It was 1½ years after the incident. I made a mistake. I discovered my mistake when ill at home last week. Knowing I had to give evidence I tried to refresh my memory of the dates. Looking through my programmes I found I had made a mistake. I saw that the horse who caused Cecil Gittens to be called up before the Stewards was "Flare" and that the incident occurred at the Summer Meeting in 1943. "Flare" hadn't run at other meetings. He was entered in two races for
40 the last day and he scratched for the last at the Summer Meeting 1943. It was at this meeting on which this occurred that there was a complaint about "Flare."

It is a common practice for a horse to be entered in two races and be scratched in the second. I can't say if this happened more than once in Flare's case.

I knew my statement was important. I had no doubt as to the date when I gave the plaintiff's solicitor a statement.

Last week I was trying to remember what day I gave as date of the incident while ill in bed. I picked up my programmes and in going
50 through them found my mistake. It was not the result of something that someone said to me that I revised the date.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Plaintiff's
Evidence.*

No. 13.
James
Henry
Johnson,
Cross-
examina-
tion,
continued.

*In the
Supreme
Court of
Trinidad
and Tobago.*

When I came back to work on Friday last week I communicated my mistake to plaintiff's solicitor.

Lionel Trestrail did not say for whom Chandler was deputising.

*Plaintiff's
Evidence.*

Re-examined Wooding : On same day I told plaintiff of conversation. I knew there was bad blood between plaintiff and Liddelw and I wanted to put him on his guard.

No. 13.
James
Henry
Johnson,
continued.
Re-exami-
nation.

Trestrail's is a wholesale provision store. Clerks do not sit at their desks all day. You have Lionel Trestrail away from his desk attending customers. I also ; his son, Richard Trestrail. There is a delivery clerk at door. Goods delivered on trucks. One may or may not have clerks 10 in the office.

Liddelw and Clifford Trestrail came right up to Lionel Trestrail's desk. The statement by Liddelw was said immediately and spontaneously. They went then to back of store which is about 100 yards deep. They went together. They were still conversing. I don't remember how long they remained. Lionel Trestrail knows of my relation by marriage to the Gittens.

To Court : "Flare" was scratched off in my programme for the 2nd race. "Flare" was entered for the Summer Meeting 1943. So far as I know "Flare" only ran for once on last day of Xmas Meeting 1943. 20

No. 14.
Amy
Godsell de
Nobriga,
Examina-
tion.

No. 14.

AMY GODSELL de NOBRIGA.

Sixth witness for plaintiff sworn states :

My name is Amy Godsell de Nobriga. I was the wife of Melville de Nobriga up to 1939. We were then separated—no divorce.

Melville is brother of defendant, de Nobriga. I have always known plaintiff—since childhood. I don't remember any occasion on which plaintiff was cause of a difference between my husband and myself.

(Document handed to witness.)

This looks like my hand-writing. *(Witness reads the contents.)* I do 30 not recollect the facts stated in the letter.

No. 15.
Albert
Waithe,
Examina-
tion.

No. 15.

ALBERT WAITHE.

Seventh witness for plaintiff sworn states :

My name is Albert Waithe, living at 14 O'Brien Place, Belmont. Employed at "Sam's Garage." I remember races held in Tobago in March 1944. I was assistant clerk of the paddock. On 2nd day of meeting I took over the horses in the paddock one hour before the first race started, which race started about 1.45 p.m. About 12.45 p.m. I notified grooms and trainers that I had taken over paddock and that they could not go 40 near the horses without special permission. This was usual practice. When horses required for each race, I notified my assistant and the horses would be led to the saddling stalls by their grooms under my supervision. While in those stalls, horses supervised by Veterinary Surgeon and myself.

Grooms wash bits in buckets provided by Turf Club. Water put in buckets by an employee of the Turf Club. Condy's fluid put in by Veterinary Surgeon. Bits left to soak and later washed in clean water supplied as I have said.

I watched the races from the saddling stalls.

I gave evidence at enquiry in May 1944. I explained the system of control to the Stewards. My explanation to the Stewards was substantially the same as what I have told the Court to-day.

10 *Cross-examined O'Reilly* : I can't remember if I told stewards about bits being washed by grooms.

To Court : It is a practice known to all racing authorities in the Colony.

To O'Reilly : I was assistant to Mr. des Iles who was in charge of saddling stalls. This Mr. des Iles is a planter—not a vet. He was clerk of the Paddock. I told Stewards at enquiry I had to call grooms to get horses ready for "dope" stalls. I said after horses were out of stables I have to go to "dope" stalls.

20 *Q.* Did you say on the 2nd day as soon as the horses went on the track "I called on Joseph to get the horses for the next race ready to go into the dope stall" ?

A. Yes.

Q. Did you say : "He succeeded in getting horses into dope stall before the horses on the track had run their race" ?

A. Yes.

Q. Did you say "that was the case with every race on the 2nd day" ?

A. Yes.

To Court : I think I told the Stewards that I had watched this race from the saddling stalls. That was when dope stalls cleared of all grooms and left alone. I don't think I was asked that question by the Stewards.

30

Case for Plaintiff.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Plaintiff's
Evidence.*

No. 15.

Albert
Waithe,
Examina-
tion,
continued.

Cross-
examina-
tion.

No. 16.

LENNOX ARTHUR PATRICK O'REILLY.

*Defendants'
Evidence.*

No. 16.

40 First defendant sworn states : My name is Lennox Arthur Patrick O'Reilly. I am a Knight Bachelor, Barrister-at-Law, one of His Majesty's Counsel, living in Port-of-Spain. Am a member of Trinidad Turf Club for over 25 years—one of oldest, if not oldest member. I have been on the Committee of Management continuously since 1923. I have been a Steward since 1926 continuously. I was sole Vice-President for at least 10 years. System changed then and two Vice-Presidents appointed, senior and junior for 2 years ; not eligible for 3 years. Since new rule I have been one or other Vice-President on several occasions. His Excellency the Governor, I think, is the President.

Lennox
Arthur
Patrick
O'Reilly,
Examina-
tion.

Trinidad Turf Club is the recognised Turf Authority—i.e. recognised by itself and by Jockey Club of England ; by Barbados Turf Club, British Guiana Turf Club up to certain time, by Jamaica Jockey Club and

*In the
Supreme
Court of
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*Defendants'
Evidence.*

No. 16.
Lennox
Arthur
Patrick
O'Reilly,
Examina-
tion,
continued.

Grenada—I think. Venezuela had, before 1944, a reciprocal arrangement with us. Looking at Exhibit "A," I see passage starting "The following other recognised Turf Authorities . . . I can't say from personal knowledge if there are any reciprocal arrangements with any other clubs other than Barbados, Demerara, Jamaica. I have always assumed however that since disciplinary orders have always been printed in Racing Calendar that they would be sent to all clubs mentioned in p. 241 of Exhibit "A," and by comity be enforced by those clubs. We have never had a case where this club has been asked not to enforce any such orders, other than those by the English Jockey Club and Clubs in the Caribbean. I have 10
not been able to find any document in which arrangements with English Jockey Club were embodied, but it is a matter of general knowledge among members and officials of Trinidad Turf Club that there was such an arrangement. In my early days as a steward, my attention was called to the fact that a gentleman residing in Trinidad had defaulted with his bets in England and was punished at Tattersall and was not permitted to enter our enclosure.

As regards British Guiana, one of my brother stewards called my attention to the fact that that club was racing under unique rules until other Caribbean Clubs and Jockey Club made them pass proper rules. We 20
withdrew our recognition of the British Guiana Club until Rules of Racing were passed on lines of our own. British Guiana Club now have proper rules and we have recognised them.

Trinidad Turf Club's premises consist of everything within enclosure in Savannah and its offices in Town. The land is Crown property. The Trinidad Turf Club holds property as tenants-at-will. We have put up the buildings and enclosure at our expense.

As to relations between Trinidad Turf Club and other racing clubs in Colony, each club is a separate entity and is independent of each other. The Trinidad Turf Club recognises and sanctions the meetings of the three 30
other clubs because they race under Rules (Exhibit B) made by the Trinidad Turf Club.

To Court: If they raced without sanction of Trinidad Turf Club, they would become an "unrecognised meeting." Sanctions would be serious with regard to statutory sweepstake privileges which is extended to Trinidad Turf Club and all other racing clubs or associations recognised by Trinidad Turf Club (Gambling Ordinance, Ch. 4, No. 20, section 16). Other sanctions would be that under Rule 126 (Exhibit B) stewards of Trinidad Turf Club could make any person taking part a disqualified person and Rule 47 (2) a horse would be not qualified to run at any of our meetings. 40
Any person so disqualified would come under Rule 178 of Exhibit A. I am not so clear as to disqualified animals.

To Wharton: No direct method by which orders of Trinidad Turf Club are enforceable quoad other clubs except that they put the order in force themselves. But having regard to sanctions which Trinidad Turf Club could impose, I assume other clubs would enforce Trinidad Turf Club's order as of course.

In case of foreign clubs, enforcement of orders is entirely a matter of comity. Trinidad Turf Club arrogates to itself the right to control racing in the Colony. Enforcement abroad depends on efficacy of arrangements 50
with foreign club.

(Witness handed Exhibit D.)

I presided at enquiry into "Tommy Boy" in April, 1944. The Stewards came to a decision and made an order. I put this order in writing. This is signed by all the Stewards who took part in enquiry: (Decision of Stewards—L.A.P. O'R.1), myself, Child, Trestrail, de Nobriga and Liddelow, dated 29th April, 1944.

As to expression "warned off" as used in the order means that plaintiff is warned off the racing premises of the Trinidad Turf Club at Queen's Park. If person warned off is there, "warn off" means "get out"; if not there, means "keep out."

10 Q. Is there a distinction between meaning of term "warn off" and the effect of the order to "warn off"?

A. Order could only operate in a legal manner. As a racing man I know that warning off relates to premises. The Jockey Club's premises are Newmarket Heath.

After making the order I instructed Mr. Bennett and letters J.H.B.1 and 3-7 were sent (also C.8 & C.9) on my authority.

(Luncheon Interval.)

L. A. P. O'Reilly (continuing): My attention was called to report of Government Analyst (C.3) of 18th April 1944. I saw Exhibits C.1 and C.3.
20 There was in consequence a meeting of Stewards on 22nd April (I did not attend), the enquiry was then ordered.

(Witness refreshes his memory from Stewards' minutes.)

I have no personal knowledge of whether stewards' meeting was held on 22nd April.

Enquiry began at 3 p.m. on 25th April, 1944. All Stewards who signed Exhibit L.A.P.O'R.1 were present; attending the enquiry: Davis—(Government Analyst); Hodgins (Veterinary Surgeon), Bennett (Secretary). Enquiry held at premises of Trinidad Turf Club in Marine Square. Dr. Gittens invited into room.

30 I opened meeting by saying: "This is an enquiry about to be held arising out of a report by the Government Analyst of swabs from the saliva of Tommy Boy."

(Witness refreshes his memory from notes taken at the proceedings.)

I then informed Dr. Gittens that he was entitled to be present at the enquiry and to ask all relevant questions. I said: "You are entitled fully to be heard." He said: "In view of importance of matter I wish to be represented by Counsel, Mr. Butt instructed by Mr. Inniss." I conferred with my colleagues and informed plaintiff that Stewards agreed. Mr. Butt and Mr. Inniss called in. Mr. Butt then stated to the Stewards
40 that there was an ill-feeling between Dr. Gittens and two of the Stewards—de Nobriga and Liddelow—and that relations between them were strained. Persons concerned were asked to and retired; Plaintiff, Butt, Inniss also Davis, Hodgkins and Bennett. Mr. de Nobriga and Mr. Liddelow remained with the other stewards.

I pointed out to de Nobriga and Liddelow that it was a serious enquiry and asked them if they had personal ill-feelings against plaintiff. Each declared he had no personal bias, but that plaintiff had been rude to them on previous occasions. Stewards then decided to sit as constituted. All persons who had withdrawn returned.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Defendants'
Evidence.*

No. 16.

Lennox
Arthur
Patrick
O'Reilly,
Examina-
tion,
continued.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Defendants'
Evidence.*

No. 16.
Lennox
Arthur
Patrick
O'Reilly,
Examina-
tion,
continued.

I told plaintiff and his Counsel it was decided that de Nobriga and Liddelow would sit with the other stewards. I don't remember if Butt made any remark. I have no note or independent recollection.

I emphasised that the Government Analyst had given two certificates and read the substance of C. 1 and C. 3 to Mr. Butt. Bennett then called, examined by me and questioned by Butt. Bennett was Secretary, Trinidad Turf Club. Gave evidence of sealing of jars by himself. Not in issue but that jars reached Analyst intact. Bennett gave evidence of care of horses at race meeting. Then Davis called, examined by me, questioned by Butt. Davis had taken swab from each winning swab; took a little from each and he analysed that composite sample. At least one of the tests aroused his suspicion. He kept back swabs including that of Tommy Boy; took great care of them and later on made another analysis. He was quite positive as to his findings. We adjourned at 6 p.m. 10

Enquiry resumed on 27th April at 1.45 p.m. The stewards had been unable to get evidence as to the action of heroin on horses and I asked the Secretary to try and obtain for me from a member of the Club who is a vet., a book on the subject. I had some discussion with Mr. Butt on this point. At the opening of the enquiry or on the second day, I told Butt we had a text book by Milks which *inter alia* dealt with drugs of the kind on a horse. I read two passages to those present at page 164, to show that the drug used to stimulate racehorses and was excreted in urine and saliva. 20

To Court: There was no evidence given as to the duration of the effects of the drug. Mr. Hodgkins could not assist us on this point.

I said to plaintiff that as a trainer I expected him to assist us in the enquiry. He wasn't being charged with any specific offence, but, dependent on finding of Stewards, the enquiry might have serious consequences for him. Plaintiff said he realised that.

(At request of Court witness underlines in red the passage read out from the text book, put in as L.A.P.O'R. 2.) 30

Besides the passage from the text there was an admission by Mr. Butt (who also had "Cushning," another textbook) and who said that heroin in large doses caused excitement and convulsions.

Plaintiff gave his evidence, was asked questions by his Counsel and the Stewards. Denied that he had any knowledge of administration of heroin to Tommy Boy. Winston Kellman gave evidence, plaintiff's head lad. Plaintiff said he was not allowed to go to stables without permission of Clerk of Paddock. Kellman said so also. He said he had "handed" the horses to Jospeh, one of the officials. Kellman said that Tommy Boy taken over about 11 a.m. He wasn't allowed to go back to stalls. Clerk of the Paddock walked with him to "dope" stall to saddle up. Horse for 12th race in "dope" stall before 11th race started. "I went to see 11th race: club officials, I expect, would go." 40

Mr. Sidney Aqui gave evidence. Horse was taken over by Tobago Turf Club. An owner acting trainer.

Dr. Ammon gave evidence; owner and trainer. Horses taken over about one hour before 1st race starts by Paddock Superintendent. One can approach one's horse with permission of Paddock Superintendent usually attended by assistant. About half-an-hour before race one of the assistants would go to stall and one of grooms would also go—usual practice on all race tracks. 50

That concluded second day's proceedings.

At request of Butt, instructions given to bring from Tobago by 'plane person who Butt wanted. Enquiry adjourned to 29th April at 9.15 a.m. Evidence given as to degree of supervision exercised over horses in stable. Percy Des Isles, in charge of saddling enclosure didn't supervise horses before entering into "dope" stall. McKenzie Joseph was the one who looked after the horses in the stables before horses went to "dope" stall. Three orders: saddle up, bridle up, parade. Some evidence given to Liddelw about Condyl's Fluid and washing. He said he looked at races
10 from the paddock. No horses in dope stall when races are run; only put in when race was over.

McKenzie Joseph then called. He said he was Clerk of the Paddock. When time for races to start "I go to each stable call names of horses, groom would go inside and lead it down to the dope stall although I can see horse and groom. I then call next horse's name and so on. Another man, Waithe, would assist me to call out names. No other attendants. On both days I arrived at 12.30 and saw horses there already. Grooms were in charge of their horses. I did not say I was taking charge of the horses. I asked at each stable who was in charge of horses. I spent all
20 my time in vicinity of stables. No groom asked me for permission to go to stables; if he had to go in he would get permission. No trainer asked for permission nor did I see any trainer go in."

Albert Waithe was last witness. He said he was assistant to Des Isles. "My duties were to get horses ready for dope stall, call on grooms to come to saddling enclosure. One hour before race, stables to be clear of all horses. First day I arrived at 12.20 p.m.; 2nd day at 12.5 p.m. I would assist Joseph to call horses out and then I would assist Des Isles at dope stall."

Plaintiff, Butt and Inniss retired; Mr. Butt saying he did not wish to call further evidence. Conference took—I am only guessing—5 or 10
30 minutes. Mr. Butt then given opportunity to address the Stewards and make his submissions. At end of address, we cleared room, conferred for 15 or 20 minutes, recalled plaintiff, Butt and Inniss. I had already written (L.A.P.O'R. 1) and read it.

Throughout enquiry I did not notice any attitude of hostility in de Nobriga and Liddelw towards the plaintiff. I have known Liddelw for nearly 25 years and de Nobriga for not so long on the Committee of Trinidad Turf Club and as Stewards. I have not noticed any act of hostility on part of de Nobriga or Liddelw towards the plaintiff. I have recollection on one occasion Liddelw coming back to Stewards' box saying
40 that plaintiff had refused to speak to him. There have been discussions involving duties and secrecy but I have never noticed hostility or prejudice.

No objection raised as to pecuniary interest, I didn't know Liddelw had a horse running in race in which Tommy Boy raced.

Mr. Hart was asked about Eastern Flower. Race run in blinding rain. Starter held: No race. Hart and others refused to start. Horses under starter's orders. Hart lodged appeal to Jockey Club pursuant to rule we then had. I prepared a very long case consulting Hart. All our documents prior to 1924 can't be found, after search. Jockey Club said we were
50 independent club and must come to our own decisions and interpret our own rules. That rule then taken out of our rules of racing. They refused to assume jurisdiction.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Defendants'
Evidence.*

No. 16.
Lennox
Arthur
Patrick
O'Reilly,
Examina-
tion,
continued.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Defendants'
Evidence.*

No. 16.
Lennox
Arthur
Patrick
O'Reilly,
continued.
Cross-
examina-
tion.

Cross-examined Hannays, K.C.: Expression "warned off" used only in one sense. The expression "warned off the turf" is a loose expression which includes the wider meaning.

I and other Stewards meant that we had warned plaintiff off Trinidad Turf Club's premises.

The plaintiff in the popular sense has been warned off the turf in the Colony, Barbados, British Guiana, Jamaica, Venezuela and English Jockey Club. But he has not been "warned off the turf" in the popular sense by us—Trinidad Turf Club.

I am familiar with expression "disqualified person." The Stewards 10 did not intend to disqualify the plaintiff. I personally took the view that plaintiff was a disqualified person under our rules, the other stewards did not. They made no decision and did not act under Rule 127. I considered that Rule 17 of Exhibit "A" gave us an overriding power to warn off. I compared rules with English Rules of Racing. I then looked at Rules 125, 126 and 127. I formed view that powers exercised under 125–127 must be exercised by Stewards of a meeting at a meeting. When something blameable is discovered after Stewards of meeting *functi* there must reside somewhere a power to enquire and deal with the matter. Rule 125 (1–5) were not Rules under which we acted. I went to Jockey 20 Club Rules. I discovered Rule 17 of Exhibit "D." I turned to Rule 132 of Exhibit "B." I came to conclusion if Rule 17 in Exhibit "B" wasn't wide enough, Rule 132 gave the power. I know that apart from the rules we had the common law power.

Eventually the Stewards decided to warn off the plaintiff under the powers conferred by Rule 17 of Exhibit "B" and that only.

1st May
GITTENS

v.

O'REILLY & OTHERS.

L. A. P. O'Reilly—Cross-examination Hannays (continuing).

Nothing more degrading to racing man than to be "warned off." I describe it as racing death. Generally speaking, a moral stigma implied. In this case a horse was brought by plaintiff on to a race course and after it ran it was found to be doped, and the stewards held he was responsible for safeguarding of horse. No evidence to show that he administered the drug. In this case I do not think that any moral stigma attaches to the plaintiff. We have not found him guilty of any corrupt or fraudulent practice.

Q. Was he ever charged with an offence? 40

A. If this statement were a charge then there was a charge. I said to him "The enquiry is now closed and the Stewards will have to adjudicate in the matter. You realise that disciplinary powers which may involve serious consequences to owner and trainer and groom of Tommy Boy are vested in the stewards. The Stewards accordingly wish to give you (Mr. Butt) on behalf of the trainer every opportunity to be heard fully before the Stewards finally adjudicate." Apart from this statement there was no charge.

Only racing offences properly so called are contained in Rule 125 (1)–(5) of Exhibit "B." Plaintiff not guilty of any of these offences. But in 50 wider sense and having regard to what the stewards have consistently

considered their powers to be, we considered that he had committed an offence. But such offence is not to be found in any of our rules.

I agree that the reference to an arrangement with the Jockey Club for mutual enforcement of sentences in Rule 1 of Exhibit "A" is the substance of the arrangement with the Jockey Club.

(Witness handed Exhibit "E" and asked to refer to Rule 9 of Exhibit "A.")

The Jockey Club have . . . published the plaintiff's name in the Racing Calendar pursuant to rule 9 (iv) of Exhibit "A."

10 I agree that I would draw the inference that the Jockey Club consider that the plaintiff has been guilty of a corrupt or fraudulent practice on the Turf. But looking at Exhibit "E" I gather that the Jockey Club have warned the plaintiff off Newmarket Heath.

Looking at Rule 10 of the National Hunt Rules . . .

To Court : In my opinion a person warned off the turf is an undesirable person to associate with gentlemen of the turf.

To Hannays : I am not minded to take every step with Jockey Club when this case is decided.

To Court :

20 *Q.* What is the practical difference between plaintiff's present position and a disqualified person ?

A. Speaking for myself alone, there is no practical difference between plaintiff's present position and one who comes within Rule 127 of Exhibit "B." I considered when sitting on the enquiry that the effect of warning off order were to consider plaintiff a disqualified person.

To Hannays : No worse punishment could have been inflicted on plaintiff or the horse. I did so under a sense of full responsibility. He must keep his horses at a loss or dispose of them. The horse was disqualified no matter what its owner.

30 I agree that plaintiff was a professional trainer and must have made money.

The ban is not irrevocable. In one case here we removed the ban in a few years.

Mr. Butt called our attention to Rule 125 of Exhibit "B." We looked at Rules 17, 48, 125, 127 and 132. Butt made the point that the Stewards of the meeting were the proper persons to act under 125. I think I told Mr. Butt the stewards were not proceeding under Rule 125.

I can't remember the details of the argument at the enquiry.

40 The Tobago Club appoints its own stewards and have control of the race meeting. They are liable to pay out the prizes. The receipts are theirs. I consider they were "functi."

Entries of horse must be accepted or refused before the meeting.

To Court : There was a case coming from Arima. When accounts sent in, the Committee of Trinidad Turf Club sent them to the Stewards of the Trinidad Turf Club who held an enquiry similar to this. We came to conclusion that an assistant to an official had been guilty of fraudulent practice and he was warned off.

50 *To Hannays* : At that time the Trinidad Turf Club ran the sweepstakes on behalf of the Arima Club. The offence was in relation to a sweepstake run by Trinidad Turf Club on behalf of the Arima Club.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Defendants'
Evidence.*

No. 16.
Lennox
Arthur
Patrick
O'Reilly,
Cross-
examina-
tion,
continued.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Defendants'
Evidence.*

No. 16.

Lennox
Arthur
Patrick
O'Reilly,
Cross-
examina-
tion,
continued.

Re-exam-
ination.

Further
Cross-
examina-
tion by
leave.

To Court : Money is paid to winner fifteen days after race. (Rule 24, 115, 116 and 124.) We considered whether money should be refunded by a person whose horse is disqualified and whether money should be paid to horse that ran second. We came to the conclusion that the order would not be retrospective. I think we thought we could not upset a decision in this sense; we certainly did not do so. Our decision that it be not retrospective was only reached at the time we made our decision and order; we did not consider it before.

Re-examined Wharton : We stewards never considered how horses had been placed at the meeting. No evidence before us as to which of Tommy Boy's races the Tommy Boy swabs were found. 10

To Court : In reaching my decision I relied apart from the evidence led at the enquiry on my knowledge of the inflexible rule that the trainer is responsible for the physical health of a horse.

To Hannays, by Leave : I agree that one hour before the first race, the horses come under the supervision of the Paddock Superintendent and his officials. Neither trainer, groom or other person can go to horse without the permission of an official and under his superintendence.

I am inclined to agree that this practice was not at the date of *Chapman v. Ellesmere* in force in England. I think our system was suggested by Dr. Gittens himself. This rule was not intended to relieve the trainer of responsibility. 20

No. 17.

Charles
Arthur
Child.
Examina-
tion.

No. 17.

CHARLES ARTHUR CHILD

Second defendant sworn states: My name is Charles Arthur Child, one of His Majesty's Counsel for Trinidad and Tobago and practise in Port-of-Spain. I am a Steward of Trinidad Turf Club—have been so for 10 or 15 years. In April, 1944, I was a steward of the club. I took part in the enquiry of April, 1944. I took notes as full as I could of the proceedings—not in shorthand. I have the originals here. 30

(By consent a copy of original put in and marked Exhibit " F.1 " (original) copy " F.2.")

Objection taken by Butt at beginning of enquiry contained in p. 1-2. He gave no particulars of strained relations.

I understood by Butt's remark on p. 2 of Exhibit F.2 that Butt satisfied that Stewards were speaking truth in saying they had no bias; I thought the matter was finished. No objection taken by Butt as to pecuniary interest. I didn't realise Dusty was second. During the course of enquiry I did not notice any hostility or bias exhibited by de Nobriga or Liddelow. 40

Looking at p. 11-12 of Exhibit F.2, plaintiff said he would assume if heroin administered that it would have increased Tommy Boy's speed.

(Witness reads plaintiff's answer to Liddelow on p. 12.)

I think word " slick " used by him in putting question and plaintiff's answer: " I have no doubt."

(Witness reads passage underlined on p. 13.)

I know that supervisors and everyone run to see a race and that gives the chance for a horse to be doped.

(Witness reads at top of p. 17 end of Des Iles evidence.)

(Witness reads first sentence on page 19, as to time horses put in dope stall.)

On page 19 of Exhibit F.2 reference should be to Cushning on Pharmacology.

10 View I formed before enquiry started was that we could not upset the race, amongst other reasons, because it would upset the result of the sweep.

Horses get 4 points for 1st ; 2 for 2nd and 1 for 3rd. Tommy Boy got 8 points for his wins. His disqualification would have upset the sweepstake decision. There were two swabs of Tommy Boy : one for each race. No one could say whether heroin was in swab for 8th or 12th race. We made our order retrospective as from 29th April, 1944. Stakes had been, I believe, paid before we started the enquiry. We did not find that drug administered for any particular race.

Plaintiff never charged under rule 125 of Exhibit " B."

20 (Witness refers to O'Reilly's written statement on p. 1. Also page 8 of F.2.)

It was O'Reilly who used the expression " Domestic tribunal." Plaintiff said : " Yes."

(O'Reilly's statement at bottom of page 8. Also witness refers to p. 19 of F.2—the passage " The enquiry is now closed . . . " : as to knowledge of plaintiff of the case he had to meet and the opportunity he had of meeting it.)

30 As to plaintiff being " warned off " pursuant to powers vested in Stewards of the Trinidad Turf Club, I understood these words to be " warned off our premises."

I have followed racing for even more than 15 years. I think I know that de Nobriga and plaintiff were not on speaking terms. I did not know that there was any such hatred as is alleged. I did not know of ill-feeling between plaintiff and defendant Liddelow.

(Witness handed Stewards' notebook, p. 19, 26th December 1938.)

40 This note is in my handwriting. Stewards : L. A. P. O'Reilly, Liddelow, Self, E. A. Robinson. Complaint by plaintiff against Juggernaut who rode Picton for crossing High Hat and Lady Birch. Complaint upheld : Picton disqualified and Jockey fined \$15. Winner " Little Man " not disqualified. Liddelow concurred.

(Witness referred to same book at p. 83—26th Dec. 1941.)

I never remember seeing de Nobriga or Liddelow exhibit ill-feeling against plaintiff at any time.

50 Xmas meeting 1939, Stewards Liddelow, Fletcher and self on 1st day. Custom that three Stewards take each race. We three took fourth race. At that time practice as to saliva swabs was I think " spot checking " swabs not taken from every winner. One of the stewards would say : " Let us take a test in this race." If decision to take swab during race, instructions would only be given after race finished. Secretary would not be in steward's box. I know that Stewards frequently shouted

*In the
Supreme
Court of
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and Tobago.*

*Defendants'
Evidence.*

*No. 17.
Charles
Arthur
Child,
Examina-
tion,
continued*

*In the
Supreme
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and Tobago.*

instructions to groom from Steward's box. My impression is that a shout to a groom about having a saliva test is not unusual. As a racing man, I would have thought nothing of it. There is a hubbub going on after the race.

Luncheon Adjournment.

*Defendants'
Evidence.*

No. 17.
Charles
Arthur
Child,
Examina-
tion,
continued.

C. A. Child (continuing): Practice as to presentation of trophies to winners, owner or trainer comes to stewards' box and receives it from senior steward present. Not usual without good reason for owner to send some one else other than trainer. If some one other than owner or trainer came I would expect substitute to say that owner or trainer unable to attend and had asked him to receive trophy for him. Generally one expects owner to appear in person. It would depend on circumstances whether I would consider the sending of a substitute discourteous. 10

I consider that the functions of a steward of a meeting are at an end at conclusion of the meeting. (Witness refers to Rules 6-14 of Exhibit "B".)

In 1942 Arima Race Club referred to Trinidad Turf Club Stewards a certain matter. Person selling tickets in booth of pari-mutuel was able to see horses coming round bend towards finish. He took bunch of tickets off and put money in till. Matter referred to Trinidad Turf Club Stewards. I was Chairman. Man practically admitted it. He was warned off. Name appears in Racing Calendar. We were not acting under Rule 125; we were acting under Rule 17 of Exhibit "B," the rule we acted under in Tommy Boy enquiry. 20

*Cross-
examina-
tion.*

Cross-examined Wooding: Assumption of jurisdiction wrongly would not give jurisdiction.

I can't say if Trinidad Turf Club controlled tickets at pari-mutuel at Arima.

Incident to which L. A. P. O'Reilly referred at Arima was a ground sweep. I don't think this is controlled by Trinidad Turf Club. I am not sure. This matter not referred to us by Stewards of Arima meeting. We found it when accounts sent under the Rules to us. 30

My notes were full. I don't pretend it contains everything.

On page 1 of F.2, Hodgkins, Vet, name does not appear. I don't remember preliminary discussion between Stewards and Davis. Perhaps Hodgkins there then. At one time Hodgkins asked about effect of heroin. He didn't tell us anything. Probably he then went away.

Butt was not asked to give any further particulars than mentioned in p. 1, Ex. F.2. I thought the allegation about not being on speaking terms was the particulars. I understood he was objecting on ground of bias. It is quite possible O'Reilly said stewards were prepared to act *bona fide*. 40

I didn't enquire as to what horses came after Tommy Boy. What operated in my mind during enquiry as to making order retrospective was the consideration of sweepstakes. The only person who could order the placing of the horses were the Stewards of the meeting.

Normally horse doped disqualified for race run—if found out in time.

If I had had the horse which ran second, even if I did not think I had a pecuniary interest as a result of the enquiry, I would not want to sit on the enquiry. 50

Officials and all jump up to look at the races.

Q. Are any steps taken to ensure that officials remain at dope stalls during races?

A. I cannot tell from my own experience. Those are the instructions. I cannot say from my own experience that officials leave the dope stalls during races. I am only making a surmise owing to the fallability of human nature.

I don't take much interest in what takes place in paddock. De Nobriga, Liddelow and Trestrail who own horses do more of that. I don't own a horse myself. I have occasionally been to stables. I am not one of the 6 a.m. enthusiasts. I can't recollect de Nobriga and plaintiff or Liddelow and plaintiff together. I can't be bothered about tittle-tattle.

10 Q. Was there an attempt some years ago to oust de Nobriga and Liddelow from the Stewards by the younger members?

A. I understood it was directed against retiring Stewards. I don't know if de Nobriga and Liddelow were retiring. Half Stewards retire every year. The effort didn't succeed.

As to Brown Ayah incident, I don't recollect whether decision to take swab before or after race run.

I heard Sir L. O'Reilly's evidence. I agree with what he says even on the question of warning off being equal to disqualification.

20 Looking at L. A. P. O'R.1, only last of penalties are expressed to be under powers vested in Stewards of Trinidad Turf Club. Mr. Butt had argued we had no power to warn off; so we warned off under *all* our powers whatever they might be. I had no doubt we had power to warn off under Rule 17 of Exhibit B.

I have known occasions on which owners and trainers have asked others to go and receive their cups for them. Quite possibly when Savoy Folly won Governor's Cup, Gittens asked some one else to receive it for him.

Q. If a member of the Club came and said that plaintiff was busy saddling his horses, would you accept the explanation?

A. Yes, unless I suspected the *bona fides* of the request.

30 I can't recollect whether or not spot test put on saliva in Governor's Cup race. It takes three stewards to order the test.

To Court: Even after procedure of dope stalls instituted, it remained inflexible rule that trainer was responsible for his horse. His business is to safeguard his horse as if there was no supervision by the Club. In reaching our decision, the practice with regard to the existence of dope stalls does not affect the issue as to the responsibility of the trainer.

To Wooding: I see nothing to prevent the owner or trainer putting some one all day long in front of the stall to watch it.

40 I would not agree to owner or trainer putting the man in the stable. If he said that he wanted to take full responsibility and didn't wish for supervision, we would tell him to go and race somewhere else.

I can't tell if any instructions issued for owners or trainers when practice of dope stalls instituted.

(Judges' Book of T.T.C. handed to witness for 26th December, 1938.)

Tobago Stakes: "Little Man" first. "Picton" disqualified. Bachelor's Button given 3rd place, then Charlie.

Re-examined O Reilly: In writing our order, we considered the form of the order in Chapman's case; we avoided an incorrect innuendo.

50 *To Court*: We considered the responsibilities of trainer in this case same as in Chapman's case.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Defendants'
Evidence.*

No. 17.
Charles
Arthur
Child,
Cross-
examina-
tion,
continued.

Re-exami-
nation.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Defendants'
Evidence.*

No. 18.
George de
Nobriga,
Examina-
tion.

No. 18.

GEORGE de NOBRIGA.

Third defendant sworn states : My name is George de Nobriga. I am a defendant in this matter and I am managing director of Trinidad Consolidated Telephones, Ltd. I have been steward of Trinidad Turf Club since 1941. Have been President of Tobago Race Club for some years. I have been on the Managing Committee of Trinidad Turf Club for about nine years. I sat as steward on enquiry into Tommy Boy in April, 1944. I have heard evidence of O'Reilly and Child as to course of enquiry. That evidence is substantially correct. 10

I had horses running at the Tobago Meeting 1944. I had no horse in 8th or 12th race. I don't recollect having any horses running against Tommy Boy.

I had no bias particularly or prejudice against plaintiff in racing. I have had occasion to sit as a steward in matters affecting the plaintiff. Apart from 1944 case, plaintiff never made any objection to my sitting as steward of Trinidad Turf Club in Port-of-Spain or as steward at Tobago. He did object to me (when not a steward) at Arima.

I am a racehorse owner and enter all over the Colony. On several occasions my horses have raced against plaintiff's horses. I have been 20 racing horses for about 20 years. Plaintiff has been racing longer than I have. I can't describe myself as ever being a friend of plaintiff. I don't recall ever visiting his racing stables.

No. 20.
Cecil
T. W. E.
Worrell,
Examina-
tion.

No. 20.

CECIL T. W. E. WORRELL.

2nd May. 1946.

GITTENS

V.

O'REILLY AND OTHERS.

First for defendants sworn states : My name is Cecil T. W. E. Worrell. 30 I am Senior Crown Counsel in Port-of-Spain. I have sometimes been the Judge at race meeting of the Trinidad Turf Club. I was so at Summer Meeting 1943. As judge it was my duty to place the horses in each race. This is recorded in book form and I sign the form when complete.

(Witness shown entry for 23rd race of Summer Meeting 1943, Saturday 3rd July.)

This was the Maraval Handicap. "Flare" was entered as the property of Mr. Fisher. Flare was ridden by Peraza carrying 115 lbs. and placed 6th by me. I signed the entry. Looking at the entry for 25th race the same day, Flare an entry for Colony Handicap. Flare was 40 scratched. I put a line through certain spaces showing she was scratched. Flare not entered for any other race that day. The 25th race was last race in which Flare entered.

Looking at entries for Xmas Meeting 1943 (at which I was also a Judge) and at 27th race entry run on the 3rd January—the New Town

Handicap 3 p.m.—Flare was entered. She ran and placed 7th ridden by Gonzalez. Looking at 30th race—Final Handicap—Flare was entered, she was scratched.

(Entries put in and marked C.T.W.E.W.1.)

Butt: Mr. Johnson's evidence as to Flare being scratched at Midsummer and not at Xmas Meeting 1943 was not challenged, otherwise we should have put in his programmes on which he acted. I ask that he be recalled.

O'Reilly: I have no objection although I think no useful purpose will
10 be served.

James Johnson (recalled): I looked at my old programmes while ill in bed. This is my own programme of the Mid-Summer meeting showing that Flare was scratched for 25th Race.

(Programme put in and marked J.J.1.)

I have heard Mr. Worrell say that "Flare" scratched for 30th Race. This is my programme for Xmas Meeting 1943. All ink marks in it are mine. My programme does not show the horse as scratched.

(Programme put in and marked J.J.2.)

I have no independent recollection of whether "Flare" scratched or
20 not. I was relying on my programme.

Cross-examined O'Reilly: I still say it was after the Mid-Summer Meeting 1943 that I heard Liddelow's remark. I accept Mr. Worrell's entries as correct. My programme for Xmas Meeting is wrong. Flare scratched for her 2nd race at both meetings.

Lionel Trestrail acted for his brother and Chandler for some one else at Mid-Summer Meeting 1943.

To Court: I know that Lionel Trestrail acted as steward when Dr. Cecil Gittens fined for his horse "Flare." The owner of "Flare" was fined at Mid-Summer Meeting.

To O'Reilly: The incident I now say took place at Mid-Summer Meeting 1943. Since my programme is wrong, I would not be able to
30 fix the date of the incident at all.

Looking at J.J.1, 23rd race Mid-Summer shows how I scratch out horses. In J.J.2, only one horse scratched according to my programme, "Scarva." I can't remember what the little crosses at side of some horses mean.

I am a keen racing man. If I were present when 30th race run, one would expect to see name of other horses which did not run scratched out.

Q. According to Judges' Book, would you dispute that seven horses
40 were scratched?

A. I would not dispute that. I still say I was there and witnessed that race.

George de Nobriga (continuing): At April 1944 enquiry we had case of two horses before us—"Hunter's Moon" and "Tommy Boy." There was preliminary discussion among Stewards as to both horses. Hodgkins attended before we brought in the owners of the horses. Hodgkins left before Tommy Boy enquiry began.

*In the
Supreme
Court of
Trinidad
and Tobago.*

*Defendants'
Evidence.*

No. 20.
Cecil
T. W. E.
Worrell,
Examina-
tion,
continued.

James
Henry
Johnson,
recalled,
Examina-
tion.

Cross-
examina-
tion.

No. 18.
George de
Nobriga,
Examina-
tion,
continued.

*In the
Supreme
Court of
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and Tobago.*

*Defendants'
Evidence.*

No. 18.
George de
Nobriga,
Examina-
tion,
continued.

I had no horse racing against Tommy Boy. I had a horse racing against Hunter's Moon which was also disqualified for "dope" at the Tobago Meeting. I did remember this. I discussed the matter with the Stewards. We concluded that there could be no question of altering the placing of horses in the race whatever the result of the enquiry. It was I with whom Mr. Child discussed this matter. It is a rule that a steward never sits on any matter if he has a horse running in a race concerned in the matter. This applies also to the stewards taking a race i.e. the three stewards who supervise each race.

There is a rule printed in each race programme. 10

(Witness refers to Article 8 of J.J.2 prescribing time for horses to be in the Paddock and in the saddling stalls.)

Large number of horses stabled in Paddock. Some stabled outside paddock. Those outside would not come into the paddock earlier than one hour before the race in which it is intended that horse should start.

To Court : It is only horses stabled in the Paddock which are brought under supervision of the Paddock Superintendent one hour before the first race. Horses outside the Paddock only come under that supervision when they enter the Paddock which they must do one hour before the race in which they are to run starts. 20

To Wharton : In the second half of that hour they must be in the saddling (dope) stalls.

The trainer or his groom or head lad "Handles" the horses. "Handling a horse" means attending to it in the stables, leading it to saddling enclosure, doing any necessary sponging of horse, saddling it, bridling it, leading it in the parade ring and on to the racecourse.

To Court : From my knowledge this horse Tommy Boy was one of those horses inside the paddock, not outside.

To Wharton : Looking at a programme for Summer Meeting 1934 at the Articles, I see Article 7 provided that horses starting in a race must be in paddock one hour before race starts. Looking at Programme for Xmas 1934 at Article 7 "and in the saddling stalls 30 minutes before the time appointed for the race" have been added. It would appear that the provision as to the dope stalls was instituted at Xmas Meeting 1934. 30

Officials of Club have nothing to do with the handling of a horse.

I was present at Spring Meeting 1944 at Tobago on both days. I am President of Tobago Race Club. Procedure I describe was carried out there.

I have a general recollection of letters written to my brother Neville in 1927. If I saw my original letters I would be able to recognise them. I have not been shown my original letters. I have been shown alleged copies of these letters handed by plaintiff's solicitor to my solicitor. It would be impossible to say if these copies were accurate without seeing the originals. I did write letters of that tenor to my brother at the time. These are the documents shown me by my solicitor (G. de N. 1) dated 29th and 31st October, 1927. In the first letter I don't know who the word "Gerald" refers to. I don't think I wrote "Gerald" in my letter. I referred to Dr. Cyril Gittens. I don't know of any one named Gerald Gittens. I think my letter was manuscript. I have no knowledge of the ink marks before "Mal." 40 50

My mother asked me to see her and spoke to me. Thus I came to write this letter. The second letter suggests I had a reply from my brother, Melville. I can't recall its contents. I have not got it. So far as I was concerned this matter was closed. I had up to that been on friendly terms with my sister-in-law. After that she stopped speaking to me. I am sure Melville received the first letter. I don't know about the second letter because we have never from that day to this discussed the matter. I never discussed or intended to discuss this matter with my sister-in-law. I never discussed the matter with the plaintiff. Such

10 relations as existed between plaintiff and myself stopped immediately after these letters were written. He stopped speaking to me and avoided me. I was never very friendly with plaintiff. We used to speak occasionally up to date of the letters. I attributed plaintiff's attitude to fact that he had been told something about the letters but I didn't know that he may have received copies of letters until I saw the proceedings in this suit. The strained relations between myself on the one hand and my sister-in-law continued till my brother was taken seriously ill in July 1929. She came to meet me and asked my help.

Normal relations were then resumed immediately. They continued

20 until early part of 1935. She stopped speaking to me again, and we have not spoken since. I do not press myself on a person who does not speak to me. I can assign no reason for her attitude since 1935. I don't know when she was separated from her husband. I have always been on friendly terms with my brother. I have harboured no ill-will against his wife or against the plaintiff.

I have no relations with plaintiff apart from racing matters. I don't meet him anywhere other than in the paddock. He is not a member of Trinidad Turf Club. He is a member with me of the Union Park Race Club.

I have on many occasions to sit as a steward on matters in which the

30 plaintiff is concerned. I have never been actuated by bias in any such matters. Position of steward creates opportunity for exercise of such ill-will. At Tobago Spring Meeting 1944, a matter came before Stewards in which plaintiff's horse and jockey involved. Objection by owner of Resentment (C. Trestrail) against Sun Maiden owned by plaintiff for foul riding. I sat on enquiry. Plaintiff's jockey fined \$50; horse not disqualified. No objection taken to my sitting. Plaintiff was not present. He was at the race that day. A flag is hoisted to notify those interested. Defendant Trestrail is a friend of mine. We found that Sun Maiden had

40 crossed Resentment. Sun Maiden won the race. On charge of foul riding, horse might be disqualified. C. Trestrail was not pleased by this decision—I know that. But neither side nor I have borne any grudge as result of this incident.

I remember the Arima incident in which plaintiff objected to my being present. Santa Rosa Meeting 1941. I believe I viewed the race from or near the Stewards' Box. After race run, the presiding steward asked me if I had watched running of race closely. I said I had. He informed me there might be an objection and he might want my help. I left members stand and went to public stand from which I was called by Secretary of Arima Club with message that Stewards wanted me to come to Stewards'

50 room. On arrival I was invited by presiding Steward to take a seat next to him. On opening enquiry plaintiff took violent objection to my presence. He was there with certain jockeys. He said I was his bitterest enemy, and I was a friend of Bennett who had taken the objection and that in these

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*Defendants'
Evidence.*

*No. 18.
George de
Nobriga,
Examination,
continued.*

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*Defendants'
Evidence.*

No. 18.
George de
Nobriga,
Examina-
tion,
continued.

circumstances I could not be expected to be fair. Presiding steward cautioned him to behave himself. Enquiry proceeded. It is notorious that Jockeys find it difficult to explain the position of horses in a race. While Jockey Edwards giving evidence I suggested the use of match sticks to demonstrate position of horses. Plaintiff again objected very violently against me. Presiding Steward, Mr. Hannays, told him to behave himself or he would put him out. Edwards was riding another of Bennett's horses. Bennett himself riding in that race. Enquiry ended. Both parties retired. I remained behind and informed the Stewards that in my view the objection should not be sustained. That view was accepted. Plaintiff's horse 10
"Thief of Bagdad" won race. Bennett's objection was that plaintiff's horse crossed him on Weglinde. If Bennett's objection upheld, plaintiff's horse might have been disqualified. I don't remember who owned the second horse. Thief of Bagdad owned by six or seven people. The plaintiff was one of the owners and he trained the horse. Stewards: Hannays K.C., Inniss (Solicitor), Vignale (barrister), Capt. Cipriani. There is usually a big hubbub after race run. I have repeatedly had to shout from Stewards' Box.

Cross-
examina-
tion.

Cross-examined Butt: My feeling towards plaintiff is one of complete disregard but of no animosity whatever. I do not actually despise him. 20
He is not particularly pleasant and I do not sit in the company of such people.

There was a time when a bell was rung. The horses were saddled and brought on the course. No control. Owners, trainers, grooms and their assistants had unfettered access to their horses. It was duty of trainer to bring his horse undoped on to the course. He could take what measures he liked to protect it. Bring it to paddock when he wanted to, sit down and watch it himself. That, I believe, is the English practice.

I joined the Trinidad Turf Club in 1931. When I joined there was no control. 30

Luncheon Adjournment.

Geo. de Nobriga—Cross-examination Butt (continuing):

I have examined the minutes of 20th April, 1934, of Trinidad Turf Club Management Committee. This is the record. It was unanimously agreed: "horses intending to start in race must be in paddock at least one hour before time appointed for the race." That appears as an Article in Mid-Summer Programme 1934.

The next step was agreed upon at meeting of Managing Committee on 7th December, 1934: "Alterations and additions to Articles on Xmas Meeting race card considered and it was decided that Article No. 7 be 40
changed to read: (adding provision about saddling enclosure as in present Article 8).

I admit that practice exists of putting all horses to run on a certain day under supervision of the Paddock Superintendent one hour before 1st race starts. I assume this practice was instituted in 1934. The Club insist on these rules. I can't point to any written rule on this subject. I can't direct attention to any instruction or direction to racing men about this unwritten rule.

I know of no directions to racing men indicating whether Article 7 (now 8) modifies or leaves intact the responsibility of the trainer. Racing 50
men knew since 1934 about the rule and raced under those conditions.

I don't know that trainers were ever told that despite the system of supervision that they still remain liable in same way for their horses. I can't say that any explanation was given to them of their responsibilities in the changed circumstances.

I don't think there is any difference in fact in leaving a trainer in supreme control of his horse, and in enforcing this supervisory system of control. Under both systems, opportunity of trainer protecting his horse is exactly the same, even though without permission and without good cause, he is not allowed to go near his horse for one hour before 1st race starts and they are only under supervision. It was on that basis that the Stewards proceeded to make their order in this case.

To Court: Where a trainer asks permission to see his horse, it is given as of course. I know of no case where this is refused. He goes along with the attendant.

To Butt: When he has finished what he went for he has to leave. If trainer wished to stay with horse although he had nothing specific to do—this is a matter which has not, so far as I know, been considered by the Stewards—In my opinion, a trainer should show good cause to be allowed to say when he had nothing specific to do for the horse.

To Court: If he said: "I want to safeguard my horse," I would deem that good cause.

To Butt: If he said "I wish to protect my horse and take it out of the paddock," I would allow him to do so provided he complied with Article 8.

Q. If trainer or groom wished to stay inside the stall or put some one to stay there?

A. I would tell him to race elsewhere except for good cause. I can imagine a case where I might allow it.

I could not allow a trainer to withdraw his animal from the supervision of written and unwritten rule. I don't know the English practice. I have never gone into English requirements of racing.

I do not know that certain assistant officials assist trainers and grooms in handling. The trainers are entitled to assume that we the officials will do what we say, namely, supervise.

Q. Has your trainer at time of this enquiry refused since then to renew his licence?

A. Yes.

Q. Was it because he refused to take the responsibility put on him by result of enquiry?

A. That is not the whole picture. He was training for me since I started. Cox now trains for me: he was my head lad.

To Court: No trainer has ever asked so far as I know to watch his horse except for specific acts. There are intervals when a trainer is not doing specific act and is not watching his horse. He is still liable for anything that happens to that horse because no person is allowed to go to the stables which are closed stables. I couldn't imagine a person going in breach of rules without it being brought to the knowledge of the stewards.

*In the
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*Defendants'
Evidence.*

No. 18.
George de
Nobriga,
Cross-
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tion,
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George de
Nobriga,
Cross-
examina-
tion,
continued.

My only suspicion as to officials going to see the races was as regards officials in the saddling stalls. It is possible that some one in breach of rules could go into saddling stalls while official away looking at race.

To Butt : When horses put in saddling enclosure, the groom has to remain away till saddling bell rings. I don't know of any period when grooms excluded—they may go. We have not completely taken away the supervision of the trainer in the saddling enclosure.

I purported to act under Rule 17 of Exhibit B. Plaintiff not guilty of any corrupt or fraudulent practice. Penalty for that may be warning off of the Club's premises. Plaintiff was awarded the same penalty. 10
A person drunk at a race meeting might be warned off these premises. A man warned off for the afternoon would not be reported to the Jockey Club.

If person found guilty of corrupt practice he must be reported to Jockey Club. Plaintiff was innocent morally. As a steward I consider plaintiff a disqualified person. Some stewards may have taken an opposite view as L. A. P. O'Reilly stated. I didn't.

The Writ was served on the 5th May. Our letter to Jockey Club is dated 6th June. I know of implication of informing Jockey Club as to warning off. I don't think I read writ. I think I read the prayer in the 20 writ.

The Secretary had instructions at the meeting to send out the letter to the Jockey Club. I think it right to inform Jockey Club, although I knew of the pending action. Not required to inform Jockey Club of the action.

Defendant Liddelow and I were friendly. I am not friendly now. We had a falling out. I speak to him and he speaks to me. I don't think his feelings are well disposed towards me. I would not like him to sit on enquiry were I now concerned as plaintiff was concerned.

On first day of enquiry preliminary discussion with Hodgkins present 30 before plaintiff brought in. I discussed with Child and other stewards that I had horses running in case in which "Hunter's Moon" concerned—my horses placed. Liddelow present. I don't remember he said anything about his "Dusty" running in race in which Tommy Boy concerned. I brought the question up in presence of all stewards holding the enquiry.

The fact that a horse of mine was second would not give me pecuniary interest in the decision. My horse might have been beaten because of the dope.

I have been off and on a successful owner; so has plaintiff. My 40 interest is more in breeding than in racing. We test them on the race-course; naturally, I like my horses to win. I wish to be successful in my enterprise in breeding. I have trained—not professionally. If suddenly stopped from racing my horses, I should have to dispose of them at a loss or keep them at a loss. This would be a loss in a material sense and every other way.

GITTENS

3rd May.

V.

O'REILLY & OTHERS.

Same appearances.

50

Geo. de Nobriga—cross-examined Butt (continuing) : I knew that effect of order would be that the Jockey Club would publish plaintiff's

name in Racing Calendar with the implications of such publication. I knew he would not be allowed into any race course in England.

(Witness reads Rule 178 of Exhibit "A.")

I knew there would be the implications in England. I knew there would be the effect in Barbados and elsewhere. I intend to warn him off our premises with the consequent effects in Colony and abroad as a result of our comity.

I pay considerable importance to my liberty of movement about the Turfs of the world. If I was excluded from the Turf in England I would consider it a serious restraint on my liberty.

Dr. Ammon gave evidence at enquiry. No evidence as to duration of effects of administration of heroin.

(Counsel reads from page 15 of F.2. "If a horse doped before . . .")

That was the only evidence of duration. Dr. Ammon not a veterinary surgeon and gave his evidence with some diffidence. I had no knowledge of effects of heroin.

I asked Major Gillyead of United States Army. He was Veterinary Officer in Trinidad. He was not called. Plaintiff not informed about this. He could not give me any definite information as to duration of drug's effect. I didn't put any definite question to him about this. I don't recollect getting information from any other source.

Chandler acted for me at Mid-Summer Meeting 1943.

When bias alleged at enquiry, I told stewards I had no bias against plaintiff and would give him a fair trial as I would to everyone who came before us.

I can't remember if I said plaintiff and I had not spoken for 15 years. I think I told them that we do not speak. I do not remember telling them, we had fallen out over this domestic question. I had no knowledge of this—only surmise. I don't remember saying I considered plaintiff an unpleasant person. Before 1927 my relations with plaintiff were as with any ordinary acquaintance on the turf. After writing of letter he appeared to dislike me. I was negative towards him. I do not like the plaintiff. I can't think I have any great dislike for anyone.

I was quite friendly with my sister-in-law and had and still have a very deep affection for my brother. I believed in the suggestion contained in the letters. I considered plaintiff doing a grievously wrong thing. My feelings were more against my brother's wife than against the plaintiff. I have persisted in that belief all these years.

Q. Did it ever strike you that you and plaintiff as two big race-horse owners should make it up?

A. I thought, as he stopped speaking to me, it was up to him to make the first move.

Q. Was it not because you thought him an unpleasant fellow and had done your brother, whom you loved, grievous harm?

A. Putting it altogether it is right.

I saw plaintiff in West India Club in London. I saw no reason because he was in England that I should speak to him. I am a member of Queen's Park Oval. I can't remember meeting him at the Oval.

After the Arima incident, I was aware that plaintiff disliked me.

As to Trophy incident, I think Mr. Herrera said plaintiff sent him to get trophy as plaintiff was saddling his horse. I can't say Mr. Herrera

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Nobriga,
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tion,
continued.

was particularly impertinent. He spoke quite politely. Plaintiff could have come at some other time. No reason to come immediately he was called by the Secretary. This was the only occasion when I was acting Vice-President of Club. That owner has come himself or asked his trainer to come. Trophy incident in 1942 after Arima incident in 1941. I agree with Mr. Herrera as to my reply to him—plaintiff to come himself or send to Club. I suspect at time plaintiff not speaking the truth. My suspicions correct.

Q. Was it not reasonable for plaintiff to wish to avoid you ?

A. He received other trophies before.

10

I knew from the Arima incident of his feeling towards me. I consulted other stewards before replying to Mr. Herrera.

Q. Did plaintiff win trophy with "Whitstable" at Tobago Spring Meeting, 1944 ?

A. I don't remember.

Q. Nor that "Skylark" was second ?

A. I don't remember if I disapproved of placing of horse.

Q. Did not plaintiff come for cup, Mendes and Latour present ?

A. Yes, I remember. The sense of my remarks were : "I hand you the trophy. You didn't win : my horse did. But it is the Judge's decision." Plaintiff agreed with me.

20

I think it was as sportsman to sportsman that remark made. On the presentation of trophy, relations pleasant.

As to Pippin incident. Sunshine was in ring, I could have seen him.

I have no recollection beyond saying to Galt : "What are those horses doing in the ring ?" I saw the horses and knew them. I can't remember if any mention made of Sunshine at Steward's enquiry.

I would say that plaintiff had less saddle slipping than anyone I knew racing.

30

As to Arima incident. I have greatest regard for Hannay's knowledge of racing. I was asked to come and help. I never thought I was sitting as a steward nor as a witness. I was merely helping. The Stewards did not need very general knowledge of racing—they had that themselves.

I accept that Lovebird, Thief of Bagdad and Embrasure were 1st, 2nd and 3rd. I did not come to say what I saw. Plaintiff had not a seat next Hannays. I was next Hannays. I don't remember plaintiff saying he didn't want me to have anything to do with the enquiry. I didn't know before this that he had that degree of animosity against me. I merely reminded plaintiff that I was the senior Vice-President of Trinidad Turf Club. I was invited, and by rules of Trinidad Turf Club, I was entitled to enter into any premises of associated Clubs in Colony.

40

Re-exami-
nation.

Re-examined O'Reilly : As to Pippin incident, looking at Stewards' Minute Book entry for Xmas Meeting 1942, 16th Race is signed by me.

(Witness reads minute. This entry put in—G. de N2.)

Stewards on that occasion were Sir L. O'Reilly, Liddelow and self.

After Tommy Boy enquiry, my trainer ceased to train for me. My trainer holds a high official position here. He had to assume responsibility of acting as head of his department or as deputy, and he would not be in a position to give the attention to my horses and to safeguard them in future, especially in view of the fact there is a great deal of ill-feeling

50

against me as a result of the Tommy Boy enquiry. The responsibilities of the trainer, as laid down in the Order, did not cause him surprise.

Only horses in the paddock came under the supervision of the Paddock Superintendent one hour before 1st race of the day. The plaintiff's horse was in the paddock not outside. No person allowed in paddock except trainer, owner, head-lads, grooms and official attendants. The purpose of the "unwritten" rule is to keep undesirable people out of the paddock. This supervision was introduced to keep undesirable people away from the stalls not for purpose of relieving trainer of his responsibility. I agree
10 that a slick person could get to a horse notwithstanding these precautions.

To Court: I presume that before this practice instituted that a trainer would not allow horse to go out of sight of himself or reliable groom. A number of these precautions put into effect as a result of requests and reports from various owners of horses stabled in the paddock. Plaintiff at one time interviewed stewards as to his fears of doping, and these measures were taken largely to assist owners and trainers in supervising their horses. I don't remember owner or trainer objecting.

I would say it would be reasonable for a trainer to have a horse out of sight of himself or a reliable groom after practice of "unwritten" rule
20 instituted. If I had a horse I would not, before the practice was instituted, as a trainer, leave any horse out of sight of self or reliable groom. To this extent the reasonable precautions of a horse that a trainer would like were altered by the practice. I can't say that we took this into consideration when reaching our decision on Tommy Boy enquiry. We held trainer responsible under the circumstances.

His liability might have been lightened or removed if he had informed the stewards of his suspicions as to his horse being doped *before* the race; or if he sought to give evidence to Stewards which might point to the horse being doped by someone else. It is not always the owner or trainer who
30 dopes a horse.

By leave to O'Reilly: We considered all evidence in F.2 and racing conditions in this Colony before coming to our conclusion.

No. 19.

GEORGE SYDNEY LIDDELOW.

Fifth defendant sworn states: My name is George Sydney Liddelow, living in Port-of-Spain. I am a dairy farmer. I have been a steward of Trinidad Turf Club for eight years to 1944 when I resigned. I formed part of tribunal in Tommy Boy enquiry. I have been a racing man since 1902. I owned horses on and off since 1902. A member of Trinidad Turf Club
40 since 1921. On Managing Committee by virtue of being a steward. I am familiar with Paddock procedure. Duties of Paddock Superintendent I know. I knew Galt many years. We have had Paddock Supervisors since 1929 or 1930 and over them was the Clerk of the Paddock—now Paddock Superintendent. Galt familiar with work. The written rule (now Article 8) introduced in December 1934 after Pandora incident. Horses now allowed in paddock stables only six weeks before meeting and two weeks after meeting. This was about 1936-37.

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No. 18.
George de
Nobriga,
Re-exami-
nation,
continued.

No. 19.
George
Sydney
Liddelow,
Examina-
tion.

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No. 19.
George
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Examina-
tion,
continued.

Some horses lodge in paddock stables, others outside, during a race meeting. Horses for first race come under supervision (under Article 8) one hour before 1st race. This brings machinery of supervision into play. Those horses lodging in the paddock are there already. They come within the machinery which starts one hour before 1st race.

When machinery of supervision starts, horses lodging in paddock stables have had their feed already in the paddock.

To Court : There is no difference in the supervision put on the horses brought into paddock for 1st race, one hour before that race and those already in the paddock. The horses running in paddock do not leave 10 except with permission and for sufficient cause. Nor could the other horses lodging in paddock but not in 1st race.

To Wharton : Supposing horse lodging but not in 1st race, I can't imagine why he should leave paddock except he was sick.

The horse is led from stable in paddock to saddling enclosure by own groom or attendant. Groom receives instructions from the Superintendent at saddling enclosure. This groom ties up the horse. Trainer or groom attends to the horse up to time jockey mounts in the parade ring. Trainer and groom hold horse while jockey mounts.

If trainer leaves horse in saddling enclosure, the groom would watch 20 the horse. I have never stopped a trainer or groom from watching his horse in saddling enclosure. At Port-of-Spain meetings I have seen a notice at gate to saddling enclosure "Owners, trainers and grooms alone are allowed in this enclosure"—or words to that effect.

If trainer abandons his horse in saddling enclosure, that is his business.

Q. Would his walking away and leaving horse unwatched cause a responsibility on the Trinidad Turf Club for that horse ?

A. None whatever.

Luncheon Adjournment.

G. S. Liddelow (continuing) :

30

(Counsel refers to F. 2, p. 12—Plaintiff to Liddelow : "After horse is put into dope stall, attendants put in charge . . . it is difficult to see all that is being done to each horse. I have no doubt a slick person could get at a horse.")

I think I asked him if a slick person could get at a horse. Plaintiff said : "Yes." I accepted his statement.

The grounds for plaintiff's objection to de Nobriga and me were that we were not on speaking terms. No particulars given. To me we were not on speaking terms. I would describe relations strained as not on speaking terms. I was not actuated by bias or ill-will against plaintiff during 40 enquiry. Strained relations began about 1929. He sued my wife. I learnt he was going to sue her only when she received the summons. Don't know if wife had earlier information. I had been laid up in bed. I went to his office and asked him why he sued my wife without approaching me and said it was a damned dirty thing to do. He said my wife had brought the children to him so he had sued her ; matter out of his hands and I must see his brother who was his solicitor. I saw his brother—I think it was Lionel Gittens. He said my wife must sign a confession if I didn't pay at once. I wanted a couple of weeks to pay. My wife signed the

document. Mr. Cipriani paid off half the amount at once and rest in one month. We had been the plaintiff's patients. Naturally that relationship ceased. We stopped speaking to each other. We spoke on racing matters. We don't belong to same clubs that I know of. Apart from racing we had no common interests. Prior to 1929, I wouldn't consider him a friend of mine. I would not say that relations grew worse. I never had any hatred for plaintiff. I had no ill-feeling towards plaintiff. I have been to his racing stables about 1936 or 1937 situate at the back of Kosmos Club in Port-of-Spain to see Metropolis. It was a bit after 1929. I also went to see Television about 1938. I should have to refresh my memory. She was then a horse in training. I may have gone on other occasions. I did not meet the plaintiff on those occasions. De Gannes asked me to go and see Metropolis. I went to see Television from curiosity.

I remember a conversation I had with plaintiff in sea at Barbados in 1939. Plaintiff in sea with friends. I also went in with friends. Plaintiff was with Vanessa and Vanessa called me and made some remarks. Plaintiff offered to bet that a certain person would not carry on as a trainer after end of year, Capt. H. Metivier. He told me his reason for so thinking. He said there was a letter signed by Dr. Cecil Gittens, Hart, Lawrie and Capt. Cipriani to the Governor about the trainer. On coming to Port-of-Spain, I was asked if report had gone to Governor by C. Trestrail. I went to Capt. Cipriani and discussed this matter with him. As a result I went to plaintiff's office. I told him I had spoken to Capt. Cipriani about what plaintiff had spoken about in sea. I now heard it was an anonymous letter. He replied I was wrong in stating that Capt. Cipriani was one of signatories.

My relations were not impaired or worsened by this conversation. The plaintiff thanked me for letting him know that I had spoken to Capt. Cipriani about the matter. I am quite sure I went to plaintiff's office and spoke to him. I heard him deny this in evidence.

In Easter 1942 at Union Park. I had occasion to report the riding of his brother. Cecil's jockey in a race (horse—Love Vine) for foul riding. Enquiry held. Report not sustained. One has to put up a deposit—\$15. This was returned as report not frivolous. While in members' stand and enquiry going on, plaintiff nearby—about 4 ft.—members of club all about—he said something about “that is the worst about people who always want to object when they were beaten.” He said it loud on purpose for me to hear. I turned and saw him. He didn't seem to be talking to anyone. I said “Dr. Gittens you should not make a remark : horse won easily.” He said : “Who the hell are you talking to : it is a damned piece of impertinence your talking to me. I don't wish to have anything to say to you or to do to you.” Love Vine was owned by plaintiff's brother. We have not spoken to each other since.

I remember occasion on which Chandler acted as steward in place of Mr. de Nobriga in Mid-Summer Meeting 1943. It was a Saturday—last day of races. Lionel Trestrail acted for Clifford Trestrail. Chandler didn't act for me as alleged in particulars. I was steward sitting on the “Flare” enquiry.

(Counsel refers to p. 137 of Stewards' minute book.)

Stewards : Sir L. O. O'Reilly, Liddelow, Lionel Trestrail acting for Clifford Trestrail, Perez acting for Child, Vincent Brown, Chandler acting for de Nobriga:

(Witness reads note of objection re “Flare”) G.S.L.1.

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tion,
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There was an unanimous finding against plaintiff's brother, Dr. Cecil Gittens, and he was fined \$100. In my view this was a serious matter. Every racing man would so consider it. Stewards were considering suspending Dr. Cecil Gitten's licence. Two stewards thought licence should be withdrawn: others thought fine sufficient, and it was agreed to fine. It was Vincent-Brown and I who raised question of withdrawing the licence. Brown spoke first, I agreed. Sir L. O'Reilly presiding turned to Chandler who said: "I think that's too severe." Then Perez asked and suggested \$100 fine, Lionel Trestrail said: "I agree." Chandler said he didn't think he should be so heavily fined and suggested warning. 10
Brown and I agreed to fine. This was on Saturday.

I can't say if I went into Lionel Trestrail's office on Monday following. No recollection of doing so in company with Clifford Trestrail. I never said to Lionel Trestrail the words contained in particulars of 4th December, 1944, para. E (iii) or anything implying such a thing.

I'm quite sure I did not speak to Lionel Trestrail about that Stewards' Meeting of Saturday, either at his office or anywhere else.

When entries opened, Steward of Trinidad Turf Club acts as senior person present at opening of entries. If entries for one of country meetings, the country club sends delegate—Arima, and Union always—Tobago not always able to send someone. 20

In case of Tobago—a member of Trinidad Turf Club Committee generally acts on their behalf. Trinidad Turf Club Stewards officiate at taking of entries for races. I have performed that duty on numerous occasions. It has happened that owner's returns irregular. I have noticed irregularities in case of plaintiff and of his brother. I could have fined plaintiff or rejected the entry. I never did this, but adjusted the entry or had it adjusted.

I was not a steward in December 1933. I was a steward in December 1938. I remember complaint about Picton crossing Lady Bird. Picton 30
disqualified from race. Robinson wanted other horses in Picton's Stable disqualified. I was one of the Stewards. I did not side with Mr. Robinson (p. 19 of X).

I remember Brown Ayah incident. I did shout to a groom because Stewards had decided that horse's swabs were to be taken. I was next the window. One Steward (I believe Mr. Child) said "Don't let that horse go away." I turned and called twice to an official down below. I believe Mr. Field. He didn't hear because of the hubbub going on. I called out to Bishop, the groom leading Brown Ayah. I shouted: "Bishop, Bishop." He didn't hear. Someone touched him and pointed to me upstairs. 40
I had to speak loudly saying "Bring back the horse, it is wanted to get a swab." This is a matter decided by the Stewards taking the race—at least three.

At time of Brown Ayah incident, taking swab not routine for winner, only as a "spot check."

I had a horse called "Dusty." It ran second to Tommy Boy at 12th Race of Tobago Spring Meeting. I was not there. Bon Accord Handicap not only race for which Dusty entered. I think he ran twice in two days' meeting.

Up to now I don't know whether Dusty 2nd in race in which Tommy 50
Boy doped in. I don't know in which race Tommy Boy was doped.

If anyone had pointed out that Dusty was 2nd to Tommy Boy in either race I would not have sat. It is an unwritten rule that a steward

does not sit on any race or enquiry where he had an interest in a horse which ran in the race being enquired into. The enquiry on Tommy Boy was not about any particular race.

To Court : I don't recollect de Nobriga bringing up the propriety of his sitting in Hunter's Moon enquiry on account of Skylark. My attention may have been distracted elsewhere.

To Wharton : De Nobriga sat on Hunter's Moon enquiry some weeks later.

10 I had no animus or ill-will against the plaintiff. I brought to my decision the evidence before me and the knowledge of a racing man of experience.

Cross-examined Hannays, K.C. : In 1944 I did not think I had a grievance against the plaintiff. I would put it I disliked him. I pitied him because he had to do and say such things.

I suppose I must dislike a man like that. I don't hate him.

I would have no objection to plaintiff sitting on an enquiry when I was on trial. I think he is a man of honour.

20 I had one horse at Tobago Meeting. I won second prize—Tommy Boy first. I was taking an interest and knew of it and had it in mind but not at the enquiry. I didn't hear de Nobriga raise the point.

I can't explain how I forgot that Dusty ran 2nd to Tommy Boy.

If I had been reminded or had realized at the time of the enquiry that Dusty had run 2nd I would not have sat.

(Counsel refers to p. 4 of F.2 where Dusty mentioned.) I would have been only too glad to be relieved.

6th May.

GITTENS

v.

O'REILLY & OTHERS.

30 Same appearances.

LIDDELOW—*Cross-examination by Hannays (continuing)* :

Plaintiff sued my wife not me. I have no recollection of being served with a default summons or any summons at all.

(File of Court proceedings 479 of 1929 District Court of Port-of-Spain. Confession of judgment by witness and his wife.)

(Confession of judgment put in and marked G.S.L.2.)

I acknowledge my signature. I apparently was sued with my wife but I have no recollection of it.

40 Plaintiff told us at enquiry that he didn't dope horse and had nothing to do with it. I believed him. We held him responsible as trainer. He is responsible unless he proves that someone else did.

Before 1934, I don't think Paddock Superintendent had power to interfere with trainer or owner. Officials in Paddock or Dope Stalls are appointed to protect public, owner, trainer and horse. Owner or trainer is entirely in charge of horse in paddock and dope stalls.

I remember a horse called Hindustan, another Tobago. Possible that there was a meeting at which these horses were entered but didn't race. Hatt and Lawrie, owners, were brought before stewards for going to stables without permission of officials. I would be willing to accept that a supervisor (assistant to Paddock Superintendent) was foolish

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enough to prevent owners from going to their horses, it is possible that stewards did caution the owners, but I, as a steward, would not agree with that. I still say that an owner and trainer is in supreme control of his horse. A trainer can't go without permission from the official.

Not necessary for owner and trainer to show cause or give reason why he wish to go to his horse. These instructions not in writing. Intended to prevent unauthorised person going to a horse and to prevent authorised persons from going only with permission and under supervision. I think this is the first means to avoid corrupt practice; our officials are paid for that. Galt was head superintendent over Paddock Stalls.

I consider plaintiff a disqualified person. I knew that the plaintiff's name would appear in Racing Calendar.

As to Brown Ayah, I shouted out Bishop's name. I didn't shout about saliva test. I can't remember shouting on other occasion. Child, Fletcher and myself were sitting stewards. Decision to take saliva test would not be recorded in stewards' book. Brown Ayah was as good a horse as any in the race. It was spot checking. I never heard any more about the test.

As to the "Flare" incident, withdrawing licence is not as severe as suspension. Chandler thought he should be warned. I think it was Perez not Chandler who suggested fine. I don't think it was Lionel Trestrail who suggested fine. I think it was Perez.

It was possible I saw Lionel Trestrail on the Monday. I go to his store about four times a week. I can't remember going with Clifford Trestrail in six years more than three or four times. It is possible I went to store with Clifford Trestrail. I believe Johnson is a decent young man. I deny making such a remark or anything like it. I would not, even if I thought it, go to Trestrail's store. I was not excited. I know of connection between Johnson and plaintiff.

In taking entries, I was acting for Stewards of Trinidad Turf Club. Very often there are mistakes. I don't think I have ever made a mistake. I have fined some but never plaintiff. Fined Sir L. O'Reilly. I have dealt with an unsigned cheque; another time the money was short. I have fined members of Committee for trivial things. Warning off is not comparable.

Re-exami-
nation.

Re-examined G. O'Reilly, K.C.: Looking at G.S.L.1 (minute book containing "Flare" incident), Flare went out in 23rd race at 3.45 p.m. finishing sixth. (Witness obtains this information in the Judge's book.) Lionel Trestrail a steward for that day. I had ample opportunity to discuss this with him if I so wished at the races. So far as I am concerned the matter is finished.

(By consent Rules and Orders of Jockey Club put in by O'Reilly at p. 254 of Exhibit A—marked A.1.)

By consent and at request of defendants Plaintiff recalled.

Cross-
examina-
tion.

Cross-examined O'Reilly :

Q. Do you remember a horse disqualified for a race at Union Park prior to 1935 by which you lost sweepstake prize ?

A. I can't remember.

The practice is if horse wins or comes 2nd or 3rd it gets so many points. At end of meeting total points added up.

Formerly the horse who got the most points got the prize, I can't say that horses 1st, 2nd and 3rd got prize money.

Under the old practice, I had horses that won sweepstake prizes. I can't remember a time when, but for disqualification, I should have won, and through disqualification I lost.

Case for Defendants.

Court adjourns to 1.30 p.m.

By consent Tobago Race Club Rules put in as Exhibit G.

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10

REASONS FOR JUDGMENT.

The plaintiff has been in practice as a dental surgeon for some thirty years and has for about the same period owned and trained racehorses. He was a successful professional trainer for about 20 years prior to 1944 and received 10% of all winnings derived from the horses he trained. Apart from his profession of dentist, racing has been his main interest and occupation. He is not a member of the Trinidad Turf Club.

20 The defendants are Stewards of the Trinidad Turf Club. The Club is the occupier under licence from the Crown of certain racing premises situate on the Queen's Park Savannah in Port of Spain. The Club also has offices in Port of Spain. In addition to holding these races, the Club controls horse racing in the Colony chiefly by virtue of two facts: first, it is recognised by the Jockey Club of England and Turf authorities of other countries as the Turf Authority for the Colony, and secondly by section 16 of the Gambling Ordinance (Ch. 4, No. 20) any lottery or sweepstake in connection with race meetings can only be organised and controlled by the Club or some other Club or association recognised by the Trinidad Turf Club. The Trinidad Turf Club and the other racing clubs in the Colony hold their races under the Rules of Racing made by the Trinidad Turf Club.

30 One of these other Clubs is the Tobago Race Club. The plaintiff, as owner, entered his horse, Tommy Boy, for the Spring Meeting of the Tobago Race Club in 1944. He was also the trainer of the horse. On the second day of the meeting (4th March) Tommy Boy won the 8th and 12th races of this meeting, that is to say, the first and fifth races of that day. On the first day trainers and others were notified that swabs of the saliva of each winner would be taken as a matter of routine; the plaintiff knew this. Hitherto at the Tobago Meetings the practice had obtained of only taking swabs occasionally ordered by the Stewards as a "spot check." The saliva test for detecting the administration of drugs or "dope" had been introduced in Port of Spain the previous June. The plaintiff was the first to advocate the saliva test. Swabs were taken from Tommy Boy in plaintiff's presence. The Government Analyst made a composite swab made up of the swabs from all winning horses and reported to the Secretary of the Trinidad Turf Club on 10th March that a careful analysis had failed to reveal the presence of a drug. Apparently he was not quite satisfied and he made a further test by making a composite of the swabs of each winner

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separately. He then found that the swabs of "Tommy Boy" contained evidence of heroin. He reported this fact to the Secretary on 18th April. On 21st April the defendants, as stewards, held a meeting at which they permitted the plaintiff to appear with his Counsel, Mr. Butt. At the beginning of the Enquiry Mr. Butt objected to the presence of the defendants, de Nobriga and Liddelow. This objection (which was overruled) I shall have to consider later. At the Enquiry the plaintiff had a full opportunity of cross-examining witnesses and of leading evidence and his Counsel was allowed to address the Enquiry. At the close of the Enquiry on 29th April the defendants made the following ruling and order :— 10

1. A drug was administered to "Tommy Boy" on the Second day of the Tobago Spring Races (4th March, 1944), which was calculated to affect his speed.

2. The Stewards hold the Trainer, Dr. Cyril C. Gittens responsible for the safeguarding of the horse.

They order :—

a. That "Tommy Boy" be disqualified as from this date from all future racing under the rules of the Trinidad Turf Club.

b. That the licence of Dr. Cyril C. Gittens, as Trainer, be withdrawn. 20

c. That Dr. Cyril C. Gittens be warned off pursuant to the powers vested in the Stewards of the Trinidad Turf Club.

Although this document contains a ruling and an order, it will be convenient to refer to it in this judgment as the order of 29th April.

At the Enquiry Mr. Butt made the objections on which the plaintiff relied in this action except as to pecuniary interest; he objected to the defendants Liddelow and de Nobriga sitting on the Enquiry, he submitted that the defendants had no jurisdiction under the rules to warn off in the present case, and that the trainer had not in this Colony, as he had in England, the sole and unfettered control of his horse. The defendants entered an appearance to the writ in this action on 8th May. Nevertheless the Secretary of the Trinidad Turf Club on the instructions of Sir Lennox O'Reilly, Chairman of the Enquiry, sent letters on 18th May and on 6th and 12th June to the local racing clubs and the overseas club with whom the Trinidad Turf Club had "mutual arrangements for the enforcement of sentences" (see rule 1 of the English Jockey Club Rules of Racing) notifying them of the order of 29th April "pursuant to standing arrangements." The overseas clubs notified were: The Jockey Club (through Messrs. Weatherby & Sons who publish the Racing Calendar on behalf of that Club), the Barbados Turf Club, Demerara Turf Club, Jamaica Jockey Club and the Hipodome Nacional, Venezuela. 30 40

There is in evidence a list of persons published in the Racing Calendar by the authority of the Jockey Club which is prefaced by this statement: "The following List of Persons who have been warned off Newmarket Heath (see Rule 9 of the Rules of Racing and Rule 10 of the National Hunt) is forwarded to the Stewards of Races for their *PRIVATE* use and the attention of Stewards is specially drawn to the List" and in this List appears the entry: "Gittens, Dr. Cyril C., warned off by the Trinidad Turf Club, 1944." Rule 9 of the Jockey Club Rules of Racing provides that "they (the Stewards of a meeting held under the rules) shall exclude from all places under their control: 50

(i) Every person who is warned off Newmarket Heath.

* * * * *

(iv) Every person who has been declared by the Turf authorities of, or by the Stewards of, any recognized meeting in this or any other country to have been guilty of any corrupt or fraudulent practice on the Turf.”

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10 Mr. Wooding, in closing for the plaintiff, rested his claim on two principal grounds: first, that the order of 29th April was *ultra vires* the powers of the defendants; and secondly that the order was contrary to natural justice. The plaintiff supports the latter allegation with two submissions: first, that the defendants, de Nobriga and Liddelow were disqualified from sitting on the Enquiry, Liddelow through pecuniary interest and both through bias; secondly, that the inflexible rule adopted by the Enquiry as to the absolute responsibility of a trainer prevented the proceedings from being a proper enquiry. The plaintiff claims declarations on these points, asks to have the order of 29th April declared void and also claims an injunction.

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20 The defendants relied strongly on the argument that in warning off the plaintiff they did not infringe any contractual or proprietary right in the plaintiff, and therefore he had no right of action. The defendants owed no duty to the plaintiff, so that the Court cannot interfere with the defendants' order.

30 I may say at once that I do not consider that the plaintiff's claim for an injunction can be allowed. Even if the defendants had no jurisdiction to make the order, the case of *London & Blacknell Railway Co. v. Cross*, 31 Ch. D. 354, is authority for the proposition that the Court will not interfere by injunction to restrain a person from a false assumption of authority. The plaintiff is not a member of the Trinidad Turf Club and has no contractual or proprietary right to enter the premises under the Club's control. Even if the plaintiff had a contractual right, the cases of *Rigby v. Connol*, 14 Ch. D. 482, and *Baird v. Wells*, 44 Ch. D. 661, are clear authorities that, since he has no proprietary right, his remedy lies in damages, not by injunction.

The claim for a declaration is a more difficult matter. Order XXVI, rule 5 of the Rules of the Supreme Court provides "the Court may make binding declaration of right whether any consequential relief is or could be claimed or not." The corresponding rule in England was considered in the case of the *Guaranty Trust Company of New York v. Hannay & Company* [1925] 2 K.B. 536, and at p. 562 Pickford, L.J., said:

40 "I think therefore that the effects of the rule is to give a general power to make a declaration whether there be a cause of action or not, and at the instance of any party who is interested in the subject-matter of the declaration. It does not extend to enable any stranger to the transaction to go and ask the Court to express its opinion in order to help him in other transactions."

In my view the Court has a discretionary power to make a declaration if the question it is asked to determine is a question such as it is the function of Courts to determine, a question of legal right or obligation, and secondly if the plaintiff is interested in the subject-matter of the declaration.

50 There can be no doubt about the plaintiff's interest. As a direct result of the defendants' order the plaintiff has had a severe penalty imposed upon him involving not only a financial loss, but a grave loss in reputation; he has also lost his chief pleasure and one of his main

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occupations. Now, let us see whether the plaintiff in asking for a declaration that the defendants had no authority or jurisdiction to make that part of the defendants' order which warns off the plaintiff is asking the Court to determine a question of legal right. He has put in evidence the Rules of the Trinidad Turf Club and the Rules of Racing and asks the Court to say whether under these Rules the defendants had power delegated from their Club to warn him off in the extended meaning of that term. That, in my view, is a question of the interpretation of documents involving a legal power or authority upon which it is the function of Courts to adjudicate. Secondly, the plaintiff asks whether the order of 29th April is contrary to natural justice. This can only become a legal question fit to be determined by a Court of Law if two propositions are established: first that the Enquiry was a quasi-judicial tribunal, and secondly, that the defendants owed a duty either statutory or contractual to the plaintiff with regard to its proceedings and findings; only then would a question of legal right arise, namely the legal obligation to hold a proper enquiry consonant with natural justice. 10

As to the question whether the Enquiry was a quasi-judicial tribunal, I think there are ample grounds for holding that it was. Quasi-judicial tribunals are a type of discretionary power derived from delegated authority or contractual submission or both. Certain types of such discretionary power are ministerial, not judicial. An example of this type is the power of company directors to permit or refuse the registration of a transfer of share, as in *re Coalport China Coy.*, 1895, 2 Ch. 404. Here a Court cannot interfere with the exercise of the discretionary power if it is exercised bona fide. Where however the discretionary power is judicial, the person or body of persons exercising it, must have regard to the fundamental principles of just enquiry. I have not been able to find any judicial authority which lays down a test for deciding whether a discretionary power must be exercised ministerially or judicially. Sometimes statutes or rules creating the power provides for "due enquiry," as in the cases concerning the *General Council of Medical Education and Registration*. Failing this, the duty to conduct a proper enquiry must be inferred from a consideration of the nature of the discretionary power and the circumstances of the case. That judicial opinion can differ is illustrated by the speeches of Ld. Parmoor at p. 636 and Ld. Wrenbury at p. 640 in the House of Lords in the case of *Weinberger v. Inglis* (1919) A.C. 600. 30

In the present case I am not prepared to hold that the withdrawal of the plaintiff's licence as a trainer involved the exercise of a quasi-judicial function, for the licence was issued at the absolute discretion of the Stewards. There is not sufficient evidence before me to say whether the licence was withdrawn "on the ground of misconduct" and therefore subject to the penalties provided for in rule 74 of the Rules of Racing. I shall assume that the withdrawal of the licence did not entail such penalties; were it otherwise, I should consider the withdrawal as the exercise of a quasi-judicial function. 40

As regards the rest of the order of 29th April I consider that the defendants, in making the order, were acting in a quasi-judicial capacity. The order of 29th April involved a finding that the plaintiff had been guilty of a dereliction of duty and imposed the severe sentence of "racing death," loss of reputation and loss of property and income. No reasonable man would submit to such a jurisdiction if he thought he might be condemned 50

without a fair hearing ; nor would the Trinidad Turf Club delegate such an arbitrary authority to its Stewards knowing that all affiliated Clubs would give effect to the order and expect the same to be made after due enquiry. The case of *Chapman v. Ellesmere*, 1932, 2 K.B. 431 arose out of an Enquiry held by the Stewards of the English Jockey Club into the drugging of the horse "Don Pat." At p. 435 of the Report it is stated : " The Chairman (Ld. Rosebery) gave evidence that in coming to their decision they acted as a judicial body upon the evidence laid before them." I feel sure that the Jockey Club would assume that the defendants in making their order acted

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10 judicially.

Where the power of a quasi-judicial body is conferred by rules as in the present case, the exercise of the power can be questioned on three grounds, namely, that the tribunal did not comply with the rules, that the exercise of the discretion was not bona fide, or that it was contrary to natural justice. This last ground can also be expressed by saying that there was not a proper enquiry. Counsel for the plaintiff contended that the Court could also interfere on the ground that the decision was arbitrary and capricious. This expression is often used in cases concerning domestic tribunals, but on the whole I do not consider this to be a separate ground

20 upon which the Court might interfere : a decision which is arbitrary and capricious is either not a bona fide exercise of the discretionary power or can only be considered as the result of an enquiry which has not been properly conducted. In the present case the plaintiff does not challenge the honesty or bona fides of the defendants. For reason which I shall discuss later, I think that part of the order of 29th April was arbitrary and unreasonable, but I cannot say that it was capricious.

The next question is whether the defendants owed a duty to the plaintiff with regard to the proceedings and findings of the quasi-judicial Enquiry held by the defendants. Now the plaintiff entered Tommy Boy

30 for the Tobago Spring Meeting " subject to the Rules and Regulations of the Trinidad Turf Club." Having stated this fact, para. 8 of the Statement of Defence in this case continues :

" By reason of the premises, the plaintiff submitted himself to the jurisdiction of the Club and of the Stewards of the Club and to the Rules Regulations and Resolutions of the Club and to the Rules of Racing and to the decision relating to racing in the said Colony."

Counsel for the defendants submitted that there was only privity of contract between the Tobago Race Club and the plaintiff and no privity

40 between the plaintiff and the defendants. I am unable to accept this submission. The defendants' Club is the recognized Turf Authority for the Colony and it controls racing in the Colony ; all race meetings are held under its Rules of Racing and in these Rules it claims and exercises jurisdiction over such persons as owners, trainers and grooms. This jurisdiction is not a mere model adopted by the Tobago Race Club as a code of rules : it is a code administered in part by the Stewards of the Trinidad Turf Club, who in my opinion represent to every gentleman of the Turf such as the plaintiff, that they will act according to their rules, and he takes

50 part in every race-meeting in the Colony on that understanding. It was a little surprising in this case to hear counsel for the Stewards of the Trinidad Turf Club trying to interpose the Tobago Race Club as a shield

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between the plaintiff and themselves. There was, in my opinion, a contractual relation between the parties. I find support for this view in the Irish case of *Doyle v. Griffin* (1937) I.R. 93. There the plaintiff, a bookmaker, was warned off by the defendants, the standing committee of the Irish Coursing Club. Upon appeal the Supreme Court granted a declaration that the order warning off the plaintiff was illegal because the defendants had not complied with their Rules. The grounds for the decision were that there was a contractual relationship between the parties inferred from the fact that the defendants stated in their defence that the plaintiff was amenable to their jurisdiction and therefore the plaintiff was entitled to the benefit of the Rules regulating that jurisdiction. 10

My conclusion on the points of law so far discussed is that the Court can at its discretion make a declaration in the plaintiff's favour if he can establish his two principal submissions: first that the defendants had no delegated authority from their Club to make this order of 29th April, and secondly, that the defendants' order was contrary to natural justice. On his first submission the Court has jurisdiction either because the existence or not of an authority alleged to be delegated by written rules is a question of legal right and the plaintiff is directly interested therein, or on the ground that the plaintiff has a contractual right to be adjudged 20 by the defendants only in accordance with rules made by the Trinidad Turf Club. On the second submission the Court has jurisdiction on the ground that the defendants, in adjudging the plaintiff, were obliged to act judicially and the plaintiff had a contractual right to be tried according to the principles of natural justice. I can, therefore, now consider the plaintiff's submission; and first as to the defendants' authority to warn off the plaintiff.

The express power to warn off contained in the Rules of Racing is that in Rule 125, which provides that persons guilty of corrupt or fraudulent practices (such as the administering of, or causing to be administered, 30 drugs) shall be warned off by the Stewards of a race-meeting, "and reported forthwith to the Stewards of the Trinidad Turf Club." Such person becomes a disqualified person, and under Rule 127 is unable:

- "(1) To act as Steward or Official at any recognized meeting;
- (2) To act as authorised agent under these Rules;
- (3) To subscribe for, or enter, run, train or ride a horse in any race at any recognised meeting or ride in trials;
- (4) Enter any Race Course, Stand or Enclosure;
- (5) Except with permission of the stewards of the Trinidad Turf Club be employed in any Racing Stable." 40

It is admitted by the defendants that they did not act under Rule 125, but they contend that the provision in Rule 17 which authorises them *inter alia* to "make enquiry into and deal with any matters relating to racing in the Colony" gives them power to warn off. If one compares these Rules with the Rules of Racing of the Jockey Club of England, it is apparent that our local rules are based on the English model. Rule 17 of our rules (relating to the powers of stewards of the Trinidad Turf Club) follows the corresponding Rule 17 of the Jockey Club Rules of Racing, except that in the latter rule power is given expressly to the stewards of the Jockey Club to warn off Newmarket Heath, and there is no such 50 express provision in our rules. Reading the English Rules 9 (i) and 11 (relating to the powers of Stewards of Meetings), 17 (relating to the powers

of the Stewards of the Jockey Club), and Rule 176 (relating to corrupt practices) it appears clear to me that it is the intention of the English Rules to give the power to warn off to the Stewards of the Jockey Club, and not to Stewards of Meetings; whereas, after perusal of the corresponding local rules (Rules 8 a (i), 10, 17 and 125 respectively) I am of opinion that the intention here was to give the power to warn off to stewards of Meetings and not to the Stewards of the Trinidad Turf Club. Under rule 128 of the English Rule, a person warned off Newmarket Heath is a disqualified person; but there is no provision in our rules
10 that a person warned off the premises of the Trinidad Turf Club is *ipso facto* a disqualified person unless it be done under rule 125 by the Stewards of a Meeting. Yet each of the four defendants who gave evidence stated that it was their intention to disqualify the plaintiff and that the plaintiff was now for all practical purposes a disqualified person. To use Sir Lennox O'Reilly's expression: "The plaintiff has suffered 'racing death.'" In my view, if it was the intention to give the Stewards of the Trinidad Turf Club power to warn off under Rule 17, the Rules would also have provided that such warning off should entail disqualification.

The defendants who gave evidence frankly admitted they had warned
20 off the plaintiff under Rule 17 of the Rules of Racing, but it was argued on their behalf that the order warning off was made "pursuant to the powers vested in" the defendants and that they were entitled to rely on Rule 17 of a different set of Rules, the Rules of the Trinidad Turf Club, which I shall call the Rules of the Club. Rule 17 of the Rules of the Club gives the Stewards "discretionary power to warn any person off any premises belonging to, occupied by, or under the control of the Trinidad Turf Club, and in case of such notice being disregarded, to take legal proceedings against the offenders." There is not a word in these rules
30 about a disqualified person, and I assume that a person warned off the premises under these rules incurs no penalty except exclusion from those premises. He is not a disqualified person nor has he been warned off by the authorities of a recognised race meeting who, I assume, would be the Stewards of that meeting. Stewards of meetings under the Rules of Racing either in this country or abroad should not therefore exclude a person who has been merely warned off under Rule 17 of the Rules of the Club. Nor, if the defendants were acting under the domestic rule should they have notified other clubs thereby impliedly inviting them to exclude the plaintiff from all recognised race courses both here and abroad. The
40 defendants attempted in their pleadings and evidence to put forward the view that in warning the plaintiff off, they merely excluded him from their premises and that his disqualifications and his exclusion by the authorities of other Racing Clubs was merely a result of their order, not part of the order itself. This view is quite untenable. Both their evidence and their acts make it perfectly clear that the defendants intended to make the plaintiff a disqualified person. This they had no power to do under the Rules of the Club; they must stand or fall by the powers conferred upon them in the Rules of Racing.

Nor can the defendants rely on Rule 132 of the local Rules of Racing for the powers of the Stewards of the Trinidad Turf Club have been
50 provided for in Rules 15 to 17, and the English Jockey Club Rules cannot apply. Rule 17 of our Rules obviously follows the English Rule 17 and it is a reasonable inference that the power to warn off was intentionally omitted.

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I must, therefore, hold that the defendants had no power to make that part of the order of 29th April which warns off the plaintiff. I am not prepared, however, to say that the part of the order which disqualified "Tommy Boy" was *ultra vires* Rule 48 of the Rules of Racing. I do not consider that Rule 125 precludes the defendants from conducting an enquiry into a corrupt practice and disqualifying a horse which has been the subject of such practice, although that Rule does, in my opinion, confer upon the Stewards of the Meeting alone the power to warn off. Similarly, I consider the defendants had power to withdraw the plaintiff's licence as a trainer—a power which is conferred by Rule 74 of the Rules 10 of Racing and under the terms endorsed on the licence.

The conclusion I have reached as to the defendants' power and authority to make the order unfortunately does not dispose of the case. I must deal with the other main issue raised by the plaintiff—that is to say whether the order of 29th April was contrary to natural justice, or in other words, was made after proper enquiry. I must do so first because this other issue has an important bearing on the merits of the case and the question of whether the Court should exercise its discretion to make a declaration as to the powers of the defendants to make their order; secondly, because I must consider whether this other issue affects the 20 other parts of the defendants' order.

The Enquiry was a quasi-judicial proceeding and the defendants owed a duty to the plaintiff to hold a proper enquiry according to the principles of natural justice. In *Macleay v. The Workers' Union* [1929] 1 Ch. 602 Maugham J. (as he was then) at p. 625 states :

"The phrase 'the principles of natural justice' can only mean in this connection the principles of fair play so deeply rooted in the minds of modern Englishmen that a provision for an enquiry necessarily imports that the accused should be given his chance of defence and explanation. On that point there is no difficulty. 30 Nor do I doubt that in most cases it is a reasonable inference from the rules that if there is anything in the nature of a *lis* between two persons, neither of them should sit on the tribunal. But when it is sought to lay down elaborate rules, taken from decisions as to Courts of law, and to apply them in such a case as the present, I think it is prudent to remember that these more or less artificial principles have no application except so far as they can be derived from a fair construction of the rules, and that the implication can only be made if it is clear that the parties, who are laymen and not lawyers, must have intended it." 40

I should like to adopt this lucid statement of the law but, with respect, I should like to lay less emphasis on the importance of the intention of the parties and their contractual relations as the determining factor in ascertaining the principles of natural justice. The character of the tribunal and the contractual relation certainly are the factors which establish the duty to act judicially and hold a proper enquiry. But the answer to the question "What is a proper enquiry?" is, I think, to be derived not so much from "a reasonable inference from the rules" as from the notions of fair play contemporary and British, paying due regard to the relations between the parties and the circumstances of the case. 50

The first ground upon which the plaintiff alleges the Enquiry was contrary to natural justice or, in other words, that there was not a proper

Enquiry, is that a certain member of the Tribunal had a pecuniary interest and that he and another member were biased.

One of the stewards who sat on the Enquiry, the defendant Liddelow, had a horse called "Dusty" which ran second to "Tommy Boy," the disqualified horse, in the 12th race at the Tobago Meeting on 4th March, 1944. In my opinion there was never any appreciable possibility of the defendant Liddelow having a pecuniary interest in the Enquiry. The Government Analyst had made a composite swab from the swabs taken from Tommy Boy after the 8th and 12th Races. There was no evidence before the Enquiry as to whether Tommy Boy had been drugged in the 8th or in the 12th race, and such a question was never in issue before the Enquiry. The defendants as Stewards of the Trinidad Turf Club had no power to alter the placing of the horse. Nor could the Stewards of the Tobago Meeting, on the facts, have done so, because the Enquiry never attempted to determine the race in which Tommy Boy had been drugged. In these circumstances it is not necessary to consider what legal right the defendant Liddelow might have had against the Tobago Race Club to recover money paid by the Club to the plaintiff: for neither in the issue before the Enquiry nor on the available evidence, could "Dusty" have been placed first in any race at the Tobago Meeting.

Before considering the evidence of bias I shall deal with the question whether a remark of plaintiff's counsel at the Enquiry amounted to a waiver of his objection to the defendants Liddelow and de Nobriga sitting on the Enquiry. The objection was made at the beginning of the Enquiry. After considering the point, the Chairman informed Counsel that the plaintiff had been on occasions rude to the defendants Liddelow and de Nobriga, but they had no feeling or bias against the plaintiff. Counsel then said: "I am satisfied the Stewards in question are quite *bona fide*." The defendants contend that this constituted a waiver. In the circumstances, I do not consider that it was. If the remark is taken literally it merely amounts to saying that counsel is satisfied the Stewards in question would act honestly: the question whether these stewards might reasonably have been suspected of bias was not really considered at all. If one takes the remark in its context it is no more than a polite submission to the Chairman's ruling. Indeed the Chairman himself apparently did not attach much importance to it, for he stated in evidence that he does not remember the remark being made and made no note of it, although he kept a fairly full note of the proceedings.

In connection with the question of bias, a considerable amount of detailed evidence has been given concerning the relations of the defendants de Nobriga and Liddelow to the plaintiff over a period of about 20 years. In October 1927 there was some correspondence between the defendant de Nobriga and his brother, Melville, concerning Mrs. Melville de Nobriga and the plaintiff. I may say that in writing these letters the defendant de Nobriga was obviously actuated by a sense of family duty and of affection for his brother, not by any malice against the plaintiff. As a result of this correspondence the plaintiff ceased speaking to the defendant and they have had no social relations since then apart from inevitable contacts in racing matters. Even when they happened to be in London in 1934 and met several times at the West India Club they did not speak. The position appears to be that the plaintiff hates the defendant de Nobriga and his feeling is reciprocated by dislike. In August 1941 an objection was made

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against a horse trained and partly owned by the plaintiff at the Arima Meeting. The defendant de Nobriga, though not a steward of the meeting, assisted the Stewards in adjudicating at their request. The plaintiff made violent objection, describing the defendant de Nobriga as his bitterest enemy. The defendant de Nobriga did not withdraw, but after hearing the complaint advised the stewards in the plaintiff's favour. The incident shows the defendant de Nobriga's fairness in adjudication, but also his propensity to sit in judgment on the plaintiff even though he disliked the plaintiff and knew that Dr. Gittens hated him.

The allegation of bias in the case of the defendant Liddelow is more serious. The plaintiff and the defendant Liddelow have not been on speaking terms, except for necessary contacts over racing, since 1929. In that year the plaintiff sued and recovered judgment against Mr. and Mrs. Liddelow for money due to the plaintiff for his services as a dentist. Apparently the defendant Liddelow strongly resented this, believing that the plaintiff sued his wife alone: but the Court record put in evidence shows that both Mr. and Mrs. Liddelow were sued. Evidence was also given of an incident at the Union Park Meeting in 1942 when the defendant Liddelow reported the jockey of the plaintiff's brother for foul riding. The report was not sustained. The defendant Liddelow has given evidence of the animosity displayed by the plaintiff on that occasion when he is alleged to have said "Who the hell are you talking to . . . I don't wish to have anything to say to you or do to you." Other incidents were mentioned which it was not necessary to discuss except the important "Flare" incident.

"Flare," trained by the plaintiff's brother, Dr. Cecil Gittens, ran in the Trinidad Turf Club's Summer Meeting, 1943. The Stewards, after enquiry, found that the owner, after the public had begun to place bets, wished to withdraw the horse. Dr. Gittens, the trainer, considering it was too late, suggested sending out the horse and pulling it up soon after the start. The matter was adjudicated by the Vice-President (the defendant Sir Lennox O'Reilly) and five other stewards including the defendant Liddelow, Lionel Trestrail (who acted for the defendant, Clifford Trestrail) and J. D. Chandler (who acted for the defendant de Nobriga). The defendant Liddelow and another steward favoured a suspension or withdrawal of Dr. Gittens' licence. Another steward suggested a fine and Lionel Trestrail supported this. Chandler thought a warning sufficient. Finally a fine of \$100 was imposed. We must now consider the evidence of James Henry Johnson, for 21 years and still the Secretary of the firm of G. L. Trestrail & Co. Ltd. Some time after the Summer Meeting, 1943, he states the defendants Liddelow and Trestrail came into the firm's premises and went up to Lionel Trestrail, who was at a desk beside Johnson. The defendant Liddelow said: "Lionel, man, you have let me down badly. We had our chance with one brother and you let him off. If we could have got him, we would have got the other." In the particulars furnished by the plaintiff's solicitor, this remark was alleged to have been made on the 4th January, 1944—after the Christmas Meeting. The particulars also stated that Chandler had acted for defendant Liddelow whereas the latter was present. At the trial Johnson changed the date of the remark to 5th July, 1943, the Monday after the "Flare" incident, which occurred on Saturday 3rd July. But under cross-examination, his explanation of how he fixed the date was shown to be

without foundation and he was obliged finally to admit that he could not fix the date on which the remark was made. The defendant Liddelw denies that he ever made such a statement or anything like it. I have carefully considered the facts of this incident and the arguments of Mr. O'Reilly for the defendants: the inability to fix the date, the incorrectness of the statement about Chandler acting for Liddelw, the fact that it was Chandler rather than Lionel Trestrail who was for leniency, that Johnson's sister married Lionel Gittens, a brother of the plaintiff, and so forth. But there are two considerations which weigh against the

10 acceptance of the defendant Liddelw's testimony: first, the defendant Trestrail and his brother Lionel, were never called to rebut Johnson's evidence. On such a grave issue, the silence of the Trestrails is, it seems to me, almost more eloquent than testimony. Secondly, there was the way in which Johnson and defendant Liddelw gave their evidence. Johnson's demeanour in the witness-box was good: he appeared to be trying to tell the truth amid conflicting loyalties. The defendant Liddelw appeared to have a most uncertain memory. On the balance of probability, I accept Johnson's evidence.

The allegations of bias against the defendants de Nobriga and

20 Liddelw may be summed up shortly. The plaintiff has for many years been on bad terms with both defendants: he hates them and they dislike him. I do not consider that the defendant de Nobriga would allow this dislike consciously to bias his judgment against the plaintiff: his dislike of the plaintiff was not sufficient to disqualify him from sitting on the Enquiry. At the same time far from trying to avoid the delicate position of adjudicating upon someone he disliked—a feeling which he knew was more than reciprocated—he assisted in the adjudication at Arima and he sat on the Enquiry. The comment of the Privy Council upon similar facts in the case of *Thompson v. British Medical Association* (N.S.W.

30 Branch) (1924) A.C. 764 at p. 781 is appropriate here:

“In their Lordships' view persons called upon to discharge judicial or quasi-judicial duties can never have it too often impressed upon them how undesirable it is that they should attempt to discharge those duties under conditions which throw suspicion, however undeservedly, on their motives and action.”

In the case of the defendant Liddelw, the prejudice went much further. There is, in my opinion, a grave suspicion that he was not an impartial judge. I can say without hesitation that his bias should have disabled him from sitting on the Enquiry and were the Enquiry a judicial

40 proceeding and not merely quasi-judicial, his presence on the tribunal would have invalidated the proceedings. But the question here is whether his presence prevented the Enquiry from being a proper enquiry and therefore contrary to natural justice. It is unreasonable to expect that the standard of impartiality and detachment in a domestic tribunal's members should be as impeccable as in Courts of Law, and therefore I consider that the oft repeated maxim that justice must not only be done but appear to be done, should not be applied too rigorously in the case of domestic tribunals. In this I follow the conclusion reached by

50 Maugham J. in *Maclean v. The Workers' Union*. I think the test should be whether the presence of prejudiced persons inject such an element of bias into the tribunal as to give rise to a reasonable suspicion that the

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trial was not a fair one. In the circumstances of the present case, I do not consider that the presence of the defendant, Liddelow, on the Tribunal was sufficient to give rise to such a suspicion.

The second ground on which the plaintiff alleges the Enquiry was improper or contrary to natural justice concerns the standard of a trainer's liability by which the plaintiff was adjudged. The view taken by the Stewards of the English Jockey Club on a trainer's responsibility are clearly stated in *Chapman v. Ellesmere*. Slesser, L.J., at p. 459 states :

" it is common ground that the decision arrived at was based upon the view that, in the stewards' opinion, a trainer is directly responsible for the care of his horse and that the plaintiff was guilty of a dereliction of duty . . . "

At the date of *Chapman's* case (1932) apparently the officials of the Meeting exercised no supervision over a horse before the start : it was the direct responsibility of the trainer. At p. 435 of the report the following passage is cited from *Chapman's* evidence : " I am as a trainer of horses absolutely responsible to the stewards of the Jockey Club . . . "

Such was the practice in the Colony until 1934 when the Stewards of the Trinidad Turf Club introduced into the articles (set out in every official race programme) a provision that " horses intending to start in a race must be in the paddock at least one hour before the time appointed for the race," and some time later it was provided that such horses must be in the saddling stalls half an hour before the race.

No person is allowed to approach a horse there without the permission of the official in charge of these places or his assistants, and any person who obtains such permission visits the horse in the presence of an official. It follows that a horse who is stabled in the Paddock throughout the Meeting is under supervision and control at all material times. No directions or instructions were issued to trainers after the new system was instituted in 1934 as to the effect of this supervision and control on their responsibility. These facts come out clearly in the evidence of the witnesses before the Enquiry as the following passages from the defendant Child's notes will show :

Percy des Isles was in charge of the saddling stalls at the Tobago Spring Meeting, 1944 and in his evidence said : " Owners, trainers and grooms . . . have no right to go into the stalls except when the animal has to get ready to be saddled." T. Mackenzie Joseph, who was in charge of the Paddock, also gave evidence and said : " No trainer on either day went into the stables. None asked me . . . If a trainer had gone in I would stand before the stable and see what was going on." Dr. Ammon, who has owned and trained horses, said : " Grooms cannot go to the stall till the horse is ready to race." Kellman, the plaintiff's groom, said : " After they (i.e. the Clerk of the Paddock and his assistants) took over, I could not go back to the stall . . . I was not allowed to go till saddling bell."

Nevertheless, all the defendants who gave evidence state that this practice of supervision and control in no way affected what Sir Lennox O'Reilly described as the " inflexible rule " of the trainer's responsibility for his horse. The defendant, de Nobriga, while stating that before this practice was instituted he would not as a trainer allow a horse out of the sight of himself or a reliable groom, he admitted that since the practice was instituted it would be reasonable to do so. The defendants did not take this fact into consideration in reaching their decision.

It is only after anxious consideration and with great reluctance that I feel it my duty to give an opinion as to the application of this "inflexible rule" in this case. My task is the more difficult because beyond the parties I have no independent witness to guide me on this aspect of the case: it should not have been difficult to procure such evidence. I have no doubt the stewards are persons of great integrity and experience. They have striven to keep the sport of racing clean and to protect the racing public. Perhaps it was these very qualities which led them to judge the plaintiff by a rule that it might be both salutary and fair to enforce if the practice before

10 1934 had remained unaltered or if trainers since 1934 had been expressly warned of their absolute liability. But there is no doubt in my mind that the new practice did weaken the responsibility of the trainer. If, as the defendants allege, his responsibility continued after 1934 as before, then he or his groom must watch the horse continually while an official watched them. I do not think that the new system ever contemplated this. The trainer would naturally assume that in the absence of himself or his groom the Club officials would keep unauthorized persons away from his horse while in the paddock and saddling stalls. In fact the Enquiry disclosed that the officials were not as vigilant as they should have been.

20 In 1934 the Trinidad Turf Club instituted a practice which might reasonably induce any trainer to relax his vigilance. Then in 1944 he finds too late that the standard of absolute responsibility remains unaltered. In other words the plaintiff was tried under the original rigid rule for an offence alleged to have been committed while the rule was modified by the conduct of the very people who are his judges. If the defendants had recognised that the practice since 1934 had modified the rigid rule, then it could have been open to the plaintiff to show that if any dereliction of duty occurred, it was on the part of the Club officials or their assistants rather than his part. In short, by the adoption of what

30 was in the circumstances an unreasonable and arbitrary rule, the defendants in effect deprived the plaintiff of a proper opportunity to make his defence.

In my opinion the application of this inflexible rule was contrary to natural justice and on this ground alone this Court can and should make a declaration in the plaintiff's favour. However, it must be borne in mind that only that part of the defendants' order which rules that the plaintiff failed to safeguard his horse and ordered him to be warned off, is affected by this finding.

40 Before embarking on the issue concerning natural justice, I said that a consideration of this issue would have an important bearing on the merits of this case and the exercise of my discretion to make a declaration on the question of the defendants' lack of power or authority to make their order warning off the plaintiff. I can now say that the plaintiff's case, especially because of the application of the inflexible rule, has sufficient merits to justify the Court in making such a declaration.

Viewing the case as a whole, therefore, I consider that the plaintiff is entitled to the following declarations:—

50 (1) The defendants, by their order of 29th April, purported to warn off the plaintiff in such a manner as to make him a disqualified person. In so doing they acted *ultra vires* the powers conferred upon them by the Trinidad Turf Club and therefore had no authority or jurisdiction to make such order.

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(2) The defendants' ruling that the plaintiff had failed to safeguard his horse and the order warning him off are contrary to natural justice for the reason that the defendants adjudged the plaintiff by a rule or principle which precluded them from making a proper enquiry.

I may add that had it been proved that the defendants intended the withdrawal of the plaintiff's licence as a trainer to involve the penalties provided for in Rule 74 of the Rules of Racing, I would for the same reason have given a declaration that that part of the order of 29th April which withdraws the plaintiff's licence was contrary to natural justice. 10

E. HALLINAN,

Judge.

21st June, 1946.

No. 22.
Order,
21st June
1946.

No. 22.

ORDER.

Entered the 21st day of June, 1946.

Dated the 21st day of June, 1946.

Before His Honour Mr. Justice Eric Hallinan.

This action having on the 24th, 25th, 26th, 29th, 30th days of April, 1946, the 1st, 2nd, 3rd, 6th, 7th, 8th, 9th, 10th, 13th, and 14th days of May, 1946, been tried before His Honour Mr. Justice Eric Hallinan, and the said Judge having ordered that this matter should stand for judgment and the matter standing for judgment this day in the paper 20

THE COURT DOTH DECLARE

That the Defendants herein by their Order of the 29th April purported to warn off the Plaintiff in such a manner as to make him a disqualified person and in so doing acted *ultra vires* the powers conferred upon them by the Trinidad Turf Club and therefore had no authority or jurisdiction to make such order.

AND THE COURT DOTH FURTHER DECLARE 30

That the Defendants' ruling that the Plaintiff had failed to safeguard his horse and the order warning him off are contrary to natural justice for the reason that the Defendants adjudged the Plaintiff by a rule or principle which precluded them from making a proper inquiry.

AND THE COURT DOTH ORDER

That the question of costs of this action be reserved for consideration on a day to be hereafter fixed.

A. V. N. McCracken,

Registrar.

No. 23.

PETITION for Leave to Appeal to His Majesty in Council.

To : HIS HONOUR THE ACTING CHIEF JUSTICE and THEIR HONOURS
THE PUISNE JUDGES OF THIS HONOURABLE COURT.

No. 23.
Petition
for Leave
to Appeal
to His
Majesty
in Council,
28th June
1946.

THE HUMBLE PETITION of LENNOX ARTHUR PATRICK
O'REILLY, Kt., CHARLES ARTHUR CHILD, GEORGE
DE NOBRIGA, CLIFFORD TRESTRAIL and SYDNEY
LIDDELOW Stewards of the Trinidad Turf Club, all of
the City of Port of Spain in the island of Trinidad.

10 RESPECTIVELY SHEWETH as follows :

1. That your petitioners are the defendants in the above-named action.

2. That this action was commenced by a Writ of Summons issued out of this Honourable Court on the 5th day of May 1944 against the defendants whereby the plaintiff claimed :

A. A declaration that the decision of the defendants acting as Stewards of the Trinidad Turf Club on the 29th day of April 1944, upon an enquiry into the alleged doping of the plaintiff's Racehorse "Tommy Boy" was and is null and void for the reason that :—

20

(a) two of the said Stewards were biased and/or

(b) the said Stewards had no jurisdiction, or, alternatively, exceeded their jurisdiction and/or

(c) the said decision was contrary to the dictates and laws of natural justice.

B. An injunction restraining the defendants and each of them, as Stewards of the Trinidad Turf Club from taking any action in respect of the plaintiff or of the plaintiff's racehorse "Tommy Boy" or otherwise, to implement or carry into effect in any manner whatsoever the said decision or any part thereof.

30

C. Such further and other relief as the nature of the case may require.

3. That on the 16th day of October 1944, the plaintiff delivered his Statement of Claim herein, on the 4th day of December 1944 the plaintiff delivered his particulars of the said Statement of Claim, on the 29th day of January 1945 the defendants delivered their Defence and on the 14th day of February 1945 the plaintiff delivered his Reply.

4. That the action was heard between the 24th day of April and the 14th day of May 1946 before His Honour Mr. Justice Eric Hallinan, who on the last mentioned date took time to consider his judgment.

40

5. (a) That on the 21st day of June 1946 His Honour Mr. Justice Eric Hallinan delivered judgment in the action in favour of the plaintiff (the question of costs being reserved) and made the following declarations, viz. :

(1) The defendants, by their order of 29th April, purported to warn off the plaintiff in such a manner as to make him a disqualified person. In so doing they acted *ultra vires* the powers conferred

No. 23.
Petition
for Leave
to Appeal
to His
Majesty
in Council,
28th June
1946,
continued.

upon them by the Trinidad Turf Club and therefore had no authority or jurisdiction to make such order.

(2) The defendants' ruling that the plaintiff had failed to safeguard his horse and the order warning him off are contrary to natural justice for the reason that the defendants adjudged the plaintiff by a rule or principle which precluded them from making a proper enquiry.

(b) On the 28th day of June 1946 His Honour Mr. Justice Eric Hallinan ordered that the defendants do pay to the plaintiff two-thirds of his taxed costs of suit. 10

6. Your petitioners are aggrieved by the aforesaid judgment and declarations and are desirous of appealing therefrom to His Majesty in His Majesty's Privy Council.

7. (a) There are ordinarily two race meetings held in the Colony each year by the Trinidad Turf Club and four other race meetings which are sanctioned by the Trinidad Turf Club.

(b) During the five years ending with the Xmas Meeting, 1945, the Trinidad Turf Club has received at race meetings held by it entrance fees of an aggregate amount of \$113,269.06 and has paid out in Stakes 20 \$391,975.60.

8. (a) The said Judgment and Declarations will necessarily curtail the powers of discipline and control vested in the Stewards of the Trinidad Turf Club over trainers and other persons licensed by it and all other persons, things and matters connected with racing in the Colony, including such measures it may deem expedient to adopt towards the safeguarding of horses from corrupt and/or illegal practices.

The result will be that public confidence in the cleanliness and proper conduct of horse-racing must be shaken, thereby deterring interested persons from entering horses at race meetings and affecting the patronage 30 of the public, particularly with reference to the amount of money bet by the public at the Pari Mutuels at races held by the Trinidad Turf Club of which the Trinidad Turf Club retains ten per centum. The appeal thus directly or indirectly involves a question affecting the Civil rights of the Trinidad Turf Club of a value much in excess of £300.

(b) The said Judgment and Declarations also affect the defendants and the Trinidad Turf Club as the Turf Authority in the Colony in the conduct and control of racing throughout the Colony and in all matters relating thereto including the due administration of the large sums of money regularly received and paid by the Trinidad Turf Club as indicated 40 in paragraph 7 hereof and which are much in excess of £300.

9. (a) The said Judgment and Declarations further affect the status and civil rights of the Trinidad Turf Club as such Turf Authority as aforesaid and raise substantial questions of great general and public importance including questions of law affecting the rights, powers and duties of the Stewards of the Trinidad Turf Club as a domestic body in relation to trainers and other persons licensed by it and to the public at large including especially that considerable number of persons directly or indirectly interested in racing and in relation to its affiliated clubs and similar bodies throughout the British West Indies and the Empire. 50

(b) Such Judgment and Declarations further gravely affect all clubs and associations governed by Committees having to exercise control over sporting and/or other activities and raise certain questions of law which are novel and have never before arisen in the British racing world.

10. For the above reasons the matter is one which ought to be submitted to His Majesty in Council for decision.

WHEREFORE your Petitioners humbly pray :—

(1) That this Honourable Court will be pleased to grant to your Petitioners leave to appeal from the said judgment of His Honour Mr. Justice Eric Hallinan to His Majesty in His Majesty's Privy Council, and that pending the said appeal the execution of the said judgment be stayed and that your petitioners be allowed to have copies under the Seal of this Honourable Court of all proceedings, pleadings evidence, instruments, documents, judgments and orders had or made in the said action.

(2) That this Honourable Court do make such further or other order in the premises as may seem just.

20 Dated this 28th day of June, 1946.

J. ALGERNON WHARTON,
of Counsel.

J. D. SELLIER & CO.,
By their Solicitors and Counsel.

This Petition is set down for hearing at the Court House, Port of Spain, in the Island of Trinidad, on the 2nd day of July 1946, at the hour of 9.30 in the forenoon.

N.B. It is intended to serve this petition on the Solicitor for the plaintiff Mr. E. Boswell Innis, of No. 26 St. Vincent Street, Port of Spain.

30 This petition is presented by Messrs. J. D. SELLIER & Co., whose place of business is at Nos. 11a & 13 St. Vincent Street, Port of Spain, and whose address for service is the same, Solicitors for the Petitioners.

No. 24.

ORDER granting conditional leave to appeal to His Majesty in Council.

On the 9th day of July, 1946.

Entered the 9th day of July, 1946.

Before Their Honours Mr. Justice A. C. SPURLING (Ag.),

Mr. Justice W. J. ANDRE (Ag.) and

Mr. Justice A. J. HAMILTON (Ag.).

40 Upon the Petition of the above named Lennox Arthur Patrick O'Reilly, Kt., Charles Arthur Child, George de Nobriga, Clifford Trestrail and Sydney Liddelow dated the 28th day of June 1946 preferred unto this Court on the 9th day of July, 1946 for leave to appeal to His Majesty in His Privy Council against the judgment of His Honour Mr. Justice Eric Hallinan made herein the 21st day of June 1946, upon reading the said Petition, the affidavit of Francis Reginald Louis Power and the joint

No. 23.
Petition
for Leave
to Appeal
to His
Majesty
in Council,
28th June
1946,
continued.

No. 24.
Order
granting
Conditional
Leave to
Appeal to
His
Majesty
in Council,
9th July
1946.

No. 24.
Order
granting
Conditional
Leave to
Appeal to
His
Majesty
in Council,
9th July
1946,
continued.

affidavit of the said Francis Reginald Louis Power and Jules Henry Brooks both sworn to on the 28th day of June 1946, the certificate of J. Algernon Wharton dated the 28th day of June 1946 and the said judgment of His Honour Mr. Justice Eric Hallinan and upon hearing what was alleged by Counsel for the Plaintiff and Counsel for the Defendants

THIS COURT DOTH ORDER

That subject to the performance by the said Defendants of the conditions hereinafter mentioned and subject also to the Final Order of this Honourable Court upon the due compliance with such conditions leave to appeal to His Majesty in His Privy Council against the said judgment of His Honour Mr. Justice Eric Hallinan be and the same is hereby granted to the Defendants. 10

AND THE COURT DOTH FURTHER ORDER

That the Defendants do within a period of Three months from the date of this Order enter good and sufficient security to the satisfaction of the Registrar in the sum of £500 in one or more sureties or deposit into Court the said sum of £500 for the due prosecution of the said appeal and for the payment of such costs as may become payable to the plaintiff in the event of the defendants' not obtaining an order granting them final leave to appeal or of the appeal being dismissed for non-prosecution or for the payment of such costs as may be awarded by His Majesty His Heirs and Successors or by the Judicial Committee of the Privy Council to the Plaintiff on such appeal 20

AND THIS COURT DOTH FURTHER ORDER

That all costs of and occasioned by the said appeal shall abide the event of the said appeal to His Majesty in His Privy Council if the said appeal shall be allowed or dismissed or shall abide the result of the said appeal in case the said appeal shall stand dismissed for want of prosecution.

AND THIS COURT DOTH FURTHER ORDER

That the Defendants do within Four Months from the date of this order in due course take out all appointments that may be necessary for settling the transcript record in such appeal to enable the Registrar of the Supreme Court to certify that the said Transcript Record has been settled and that the provisions of this order on the part of the Defendants have been complied with 30

AND THIS COURT DOTH FURTHER ORDER

That the Defendants be at liberty to apply at any time within six months from the date of this order for Final Leave to appeal as aforesaid on the production of a certificate under the hand of the Registrar of the Supreme Court of due compliance on their part with the conditions of this order 40

AND THIS COURT DOTH FURTHER ORDER

That the said judgment of the 21st day of June 1946 be carried into execution on the Plaintiffs before the execution thereof, entering into good and sufficient security to the satisfaction of the Registrar for the due performance of such Order as His Majesty in His Privy Council shall think fit to make thereon.

L. A. GOMEZ,
Deputy-Registrar.

No. 25.

ORDER granting final leave to appeal to His Majesty in Council.

On the 15th day of October, 1946.

Entered the 15th day of October, 1946.

Before Their Honours Mr. Justice WILFRED ANDRE (Ag.) and
Mr. Justice A. J. HAMILTON (Ag.)

No. 25.
Order
granting
Final Leave
to Appeal
to His
Majesty in
Council,
15th .
October
1946.

10 Upon Motion made to the Court this day by Counsel for the above-named Defendants for an order granting final leave to appeal to His Majesty in His Privy Council against the Judgment of Mr. Justice Eric Hallinan dated the 21st day of June, 1946, upon reading the notice of motion dated the 17th day of September, 1946, the affidavit of Francis Reginald Louis Power, sworn to the 16th day of September, 1946, the Certificate of the Registrar dated the 16th day of September, 1946, and upon hearing Counsel for the Plaintiff and Counsel for the Defendants

IT IS ORDERED

That final leave be and same is hereby granted to the Defendants to appeal to His Majesty in His Privy Council against the Judgment of Mr. Justice Eric Hallinan dated the 21st day of June, 1946.

A. V. N. McCracken,

Registrar.

Exhibits.

A.
Rules of
Racing.
Trinidad
Turf Club
(Extracts).

EXHIBITS.**A.****RULES OF RACING.****TRINIDAD TURF CLUB****RULES OF RACING 1940****SWEEPSTAKE RULES****PARI-MUTUEL RULES****RULES OF RACING (1940)**

These Rules apply to all meetings held under the sanction of the Trinidad Turf Club and to all races run at such meetings. 10

PART I.**INTERPRETATION OF WORDS AND PHRASES.**

1. A "Recognised Turf Authority" is an Authority recognised by the Trinidad Turf Club as an Authority responsible for controlling horse racing in the country concerned.

A "Recognised Meeting" is a Meeting held under the sanction of the Trinidad Turf Club or other recognised Turf Authority.

"Added Money" is money actually contributed towards the stakes by the Race Fund or from any other sources, as distinguished from money contributed by the owners of horses. 20

"Arrears" are any sums unpaid in respect of fines, compensation, fees, entrance money, stakes, subscriptions and forfeits.

"Authorised Agent" means an agent appointed by a document signed by the owner and lodged with the Secretary of the Trinidad Turf Club and includes a Sub-agent, if authority to appoint a sub-agent is provided by the document.

The "Breeder" of a horse is the owner of his dam at the time of foaling.

"Committee" means the Committee of the Trinidad Turf Club.

"Cup" is any prize not given in money.

A "Handicap" is a race in which the weights to be carried by the horses are adjusted by the handicapper for the purpose of equalising their chances of winning. 30

A "Horse" includes mare, gelding, colt, and filly.

A "Jockey" is a person who holds a licence from the Trinidad Turf Club to ride for hire.

A "Maiden" is a horse which has never won a race (other than a match or private sweepstakes) at any recognised meeting in any country.

A Maiden means a maiden at the time of the start.

A "Match" is a race between horses the property of two different owners on terms agreed by them. 40

A "Match at Catch Weights" means one for which the riders need not weigh before or after the race.

A "Nominator" is a person in whose name a horse is entered for a race.

A "Nursery Handicap" is one confined to two year old horses.

"Owner" includes "Part Owner" and "Lessee," but not "Lessor."

A "Plate" is a race for which a prize or prizes of definite value are guaranteed by the Association holding the meeting, the entrance fee, forfeit, subscription or other contribution of owners going to the Association.

A "Race" means plate, cup, sweepstakes, private sweepstakes or match, but not steeplechase, hurdle race, or hunters' race on the flat.

"Registry Office" is the office of the Trinidad Turf Club.

"Registered" and "Registration" mean registered and registration at such office.

"Secretary" means a duly appointed secretary at any race meeting.

"Started." Every horse shall be considered as having started which is under the Starter's orders when the white flag is raised.

20 "Stewards." Unless otherwise stated, wherever the word "Stewards" is used, it means the Steward or Stewards of the meeting or their duly appointed deputy or deputies.

A "Sweepstakes" is a race in which the entrance fee, forfeit, subscription or other contribution of three or more owners go to the winner or placed horses, and any such race is still a "Sweepstakes" when money or other prize is added.

A "Private Sweepstakes" is one which has not been advertised previous to the closing.

The "Time of Entry" means the time fixed for closing.

30 A "Trainer" is a person who holds a licence from the Trinidad Turf Club to train racehorses.

A "Weight-for-Age Race" is any race which is not a handicap.

PART II.

CALCULATION OF TIME.

2. When the last day for doing anything under these Rules falls on a Sunday it may be done on the following Monday, unless a race to which such act relates is appointed for that day, in which case it must be done on the previous Saturday.

3. A "month" means a calendar month; a "day" means twenty-four hours

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PART III.

STEWARDS OF MEETING.

4. There must be at least three Stewards for every meeting.

5. Each Stewards may appoint a deputy at any time. If there be less than three Stewards present at a meeting the Stewards or Steward

Exhibits.

A.
Rules of
Racing,
Trinidad
Turf Club
(Extracts),
continued.

Exhibits.
 —
 A.
 Rules of
 Racing,
 Trinidad
 Turf Club
 (Extracts),
continued.

present shall appoint one or two additional persons to act as Stewards. If none of the Stewards is present, the Secretary shall appoint three persons to act as Stewards during their absence.

POWERS OF THE STEWARDS AT A MEETING.

6. The Stewards have full power to make (and if necessary, to vary) all such arrangements for the conduct of the meeting as they think fit, and to dispense with the Starting Gate.

They also have power to postpone or abandon the whole or any part of a meeting or any race or races at a meeting.

7. The Stewards of a meeting have control over, and they and the Stewards of the Trinidad Turf Club have free access to all stands, rooms, enclosures and other places used for the purpose of the Meeting. 10

8. (A) The Stewards shall exclude from all places under their control :—

(i) Every person who is warned off by the authorities of any recognised Race Meeting ;

(ii) Every person who has been reported as a defaulter, until it has been officially notified that his default is cleared ;

(iii) Every person who has been declared by the Turf authorities, or by the Stewards of, any recognised meeting in this or any other country to have been guilty of any corrupt or fraudulent practice on the Turf. 20

(b) The Stewards shall also have power to exclude at their discretion any person from all or any places under their control.

9. The Stewards have power to regulate, control, take cognisance of, and adjudicate upon the conduct of all officials, and of all owners, nominators, trainers, jockeys, grooms, persons, attendant on horses, and of all persons frequenting the Stands or other places used for the purpose of the meeting.

10. The Stewards have power to punish at their discretion any person subject to their control with a fine not exceeding Fifty dollars and with suspension from acting or riding. Any jockey so suspended shall not ride in any race during such suspension. 30

11. The Stewards have power to determine all questions arising in reference to racing at the meeting, subject to appeal to the Stewards of the Trinidad Turf Club, as far as relates to points involving the interpretation of these rules, or to any question other than a question of fact on which there shall be no appeal, unless by leave of the Stewards. All such appeals shall be made in writing and accompanied by a deposit of Twenty-five dollars. 40

12. (i) The Stewards have power to call for proof that a horse is neither itself disqualified in any respect, nor nominated by, nor the property, wholly or in part, of a disqualified person ; and, in default of such proof being given to their satisfaction they may declare the horse disqualified.

(ii) The Stewards may refuse to accept or may cancel at any time any entry without assigning any reason therefor.

On cancellation of an entry, the entrance fee shall be repaid to the owner.

13. The Stewards have power at any time to order an examination by such person or persons as they think fit, of any horse entered for a race, or which has run in a race. 50

14. The Stewards as such shall not entertain any disputes relating to bets. *Exhibits.*

POWERS OF THE STEWARDS OF THE TRINIDAD TURF CLUB.

15. The Stewards of the Trinidad Turf Club may impose any fine not exceeding One hundred and twenty dollars.

16. The decision of the Stewards of the Trinidad Turf Club shall in all cases be final.

17. The Stewards of the Trinidad Turf Club have power, at their discretion, to grant, and to withdraw, licences to officials, trainers, jockeys, grooms, and racecourses, to fix the dates on which all meetings shall be held, to make enquiry into and deal with any matters relating to racing in the Colony. They also have power in cases of emergency or expediency to modify or to suspend any Rule or Regulation, for such period or periods as they shall think fit, without giving previous notice.

A.
Rules of
Racing,
Trinidad
Turf Club
(Extracts),
continued.

PART IV.

OFFICIALS.

18. The appointment of Secretary, Handicappers, Clerk of the Scales, Starter, Judge or Judges, and all minor racing officials shall be made by the Committee for all meetings held at the Queen's Park Savannah. For other meetings these officials shall be appointed by the Association concerned and their names submitted to the Committee for approval or disapproval.

19. The Stewards of the Trinidad Turf Club shall appoint a Classification Committee, whose classification must be accepted at all recognised meetings.

20. Every complaint against an official shall be made to the Stewards in writing, signed by the complainant.

THE SECRETARY.

21. The Secretary shall arrange for the publication, under the sanction of the Stewards of the Trinidad Turf Club, of a daily official card of the races, containing the conditions of each race, as published, the names or other descriptions of the horses engaged, with the number attached to each, and such further particulars as the Stewards may require.

22. The Secretary shall keep a record of all complaints to and decisions of the Stewards, of all fines inflicted, and of all horses sold or claimed.

23. The Secretary shall have in his possession for the information of the Stewards, a list of persons warned off, and of suspended jockeys, and he shall not allow any horse which, or the owner or nominator of which, is under disqualification, to start for any race.

24. The Secretary shall not, unless by special sanction of the Stewards, pay over the stakes and added money to the persons entitled until the expiration of 15 days after the meeting.

THE CLERK OF THE PADDOCK.

25. The Clerk of the Paddock shall see that at all meetings where a charge is made for the admission of the public to the Paddock, all horses

Exhibits.
 A.
 Rules of
 Racing,
 Trinidad
 Turf Club
 (Extracts),
continued.

running at the Meeting shall be brought into the Paddock. In the case of any horse not being brought into the Paddock, the trainer shall be reported to the Stewards, unless special permission to saddle elsewhere has been obtained from the Stewards, and when such permission is given, a fee of Five dollars must be paid.

THE CLERK OF THE SCALES.

26. The Clerk of the Scales shall exhibit the number (as allotted on the official card) of each horse for which a jockey has been weighed out, and shall forthwith furnish the starter with a list of such numbers, and the numbers shall not be taken down till the horses are started. 10

27. He shall after each race send a return to the Stewards of the weight carried in such race and the names of the jockeys, specifying over-weights, if any.

28. If extra weight, or any variation from the weight appearing on the card, be declared at scale, for any horse, such weight shall be exhibited with the number, also any alteration of colours.

29. He shall in all cases weigh in the riders of the horses placed by the Judge, and report to the Stewards any jockey not presenting himself to be weighed in.

30. The Clerk of the Scales shall always put 2 lbs. extra into the scale 20 to prove that the horse has not carried too much weight.

THE STARTER.

31. The Starter shall give all orders necessary for securing a fair start. The horses must be started as far as possible in a line, but they may be started at such reasonable distance behind the starting post as the Starter may think necessary. After the Starter has called over the names of the runners and has assigned the horses the places drawn by lot— (See Rule 95) he shall give orders for a white flag to be raised.

32. Should the Starter consider that through any cause a horse is unable to start, he shall at once notify the Secretary that the number must 30 be withdrawn, and shall inform him whether the horse has come under his orders or not.

33. The Starter has power to inflict a fine not exceeding Twenty-five dollars on any jockey under his orders who misconducts himself, and should a jockey be so fined, the Starter shall report the fact at once to the Stewards. He shall also report to the Stewards any jockey who refuses to obey his commands in any respect whatever.

34. A start in front of the starting post, or on a wrong course, or before the appointed time, is void, and the horses must be started again as soon as practicable. 40

In the event of any horse running the course through a false start, or from a void start, the owner may, with the consent of the Stewards, withdraw his horse from the race; the horse shall, nevertheless, be considered as having come under Starter's orders.

35. The Starter shall report to the Stewards the time at which each race was started, and shall also report by whom, or by what cause any delay was occasioned.

THE JUDGE.

36. The Judge or his authorised substitute, must occupy the judge's box at the time the horses pass the winning post. He must announce his 50

decision immediately, and such decision shall be final, unless an objection to the winner, or any placed horses, is made and sustained : Provided that this Rule shall not prevent a Judge from correcting any mistake, such correction being subject to confirmation by the Stewards.

37. The Judge shall at the close of each day's racing, sign and send a report of the result of each race to the Secretary.

Exhibits.

—
A.
Rules of
Racing,
Trinidad
Turf Club
(Extracts),
continued.

PART V.

OMITTED CONDITIONS.

Rules 38 to 40.

[*Not printed.*]

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PART VI.

SPECIAL RULES APPLICABLE TO HANDICAPS, PRODUCE
RACES AND SELLING RACES.

HANDICAPS.

41. The top weight to be allowed in a handicap shall not be less than 126 lbs.

If in a handicap the highest weight starting be less than 126 lbs., it shall be raised to that weight, and the other acceptances equally.

42. In handicaps there shall be no clause permitting an alteration
20 of the weights after publication by the claim of any allowance.

PART VII.

RACE HORSES.

AGE.

Rules 43 to 45.

[*Not printed.*]

46. No horse shall, without the consent of the Stewards, run more than two races in one day.

DISQUALIFICATION OF HORSES.

30 47. (i) No horse is qualified to be entered or run which is wholly or partly the property of or in any way under the care or superintendence of, a disqualified person, or to run in any race so long as any disqualified person has any interest in the horse's winnings in that race.

(ii) A horse is not qualified to be entered for or run in any race if it has run at any unrecognised meeting ; but a horse shall not, unless the Stewards of the Trinidad Turf Club otherwise decide, be disqualified on the ground that it has run at a bona fide gymkhana held to provide funds for charitable public purposes : Provided always that no such horse which has previously been classified shall thereafter be entitled to be classified.

Exhibits.
 A.
 Rules of
 Racing,
 Trinidad
 Turf Club
 (Extracts),
continued.

48. Any horse which has been the subject of fraudulent practice may, at the discretion of the Stewards of the Trinidad Turf Club, be disqualified for such time and for such races as they shall determine.

49. No horse shall be qualified to start in any race unless duly registered. A Register shall be kept by the Secretary of the Trinidad Turf Club and shall contain the age, sex, pedigree, and colour of the horse, and any distinguishing mark.

50. (i) All horses foaled in the Colony shall be registered on demand free of charge before the 1st of November of the year of their birth. Upon failure to be so registered the horse may by permission of the Stewards of the Trinidad Turf Club be registered afterwards, but only on a payment of a fee of Five dollars. 10

(ii) Horses foaled and registered in any country in which there is a Racing Authority recognised by the Jockey Club of England may be registered in the Colony by depositing with the Secretary of the Trinidad Turf Club a duly certified copy of such registration.

FOREIGN HORSES.

Rule 51.

[*Not printed.*]

PART VIII.

20

ENTRIES, SUBSCRIPTIONS, DECLARATIONS OF FORFEIT, AND ACCEPTANCES FOR RACES.

Rules 52 to 55.

[*Not printed.*]

FORM OF ENTRY OR NOMINATION.

56. Entries shall be made in writing and signed by the owner of the horse or his authorised agent. Entries made by telegram must indicate each race for which the entries are made and shall be as binding as if made in writing but must be confirmed by writing posted at the time of despatching the telegram. If the Stewards consider that there has been any unnecessary delay in forwarding such confirmation they may refuse the entries. 30

57. A horse cannot be entered in the real or assumed name of any person as his owner unless that person's interest or property in the horse is at least equal to that of any other one person, and has been so registered.

58. The entry shall be made in the name, or assumed name, of one person, and shall state the name, or assumed name, of the owner, and the name of the horse.

59. Whenever the name under which a horse has run at any recognised meeting in any country is changed, or abandoned, his old name, as well as his new name or description, must be given in when the first entry thereafter is made. 40

60. No alteration or addition shall be made in any entry after the time fixed for closing, except with the permission of the Stewards, who may inflict fines upon or otherwise deal with any persons responsible for the errors or omissions in connection with such alteration or addition.

61. Entries shall not become void on the death of the person in whose name they have been made.

Exhibits.

PART IX.

ASSUMED NAMES AND PARTNERSHIPS.

Rules 62 to 64.

[*Not printed.*]

PART X.

JOCKEY AND GROOM LICENCES.

65. All Grooms and Jockeys shall be licensed by the Club. No Jockey
10 or Groom shall be admitted to the club's enclosures without such licence.

66. No owner of any horse racing under these rules shall employ any Jockey or Groom on race days unless duly licensed. Any owner infringing the provisions of this rule shall, in the discretion of the Stewards, be liable to be disqualified or to such fine as the Stewards may impose.

67. No Jockey shall ride nor groom be employed at any recognised Meeting in Trinidad and Tobago unless previously licensed by the Trinidad Turf Club in the manner provided by the following Rules :—

- (a) All applications for licences shall be submitted for consideration to the Stewards of the Trinidad Turf Club.
- 20 (b) A fee of One Dollar and twenty cents shall be paid for each Jockey's licence, and Sixty cents for each Groom's licence, annually as from November 1st.
- (c) Licences applied for after November 1st shall only be granted at the discretion of the Stewards of the Trinidad Turf Club, and subject to a penalty not exceeding Five dollars.

68. All moneys received for the granting of such licences shall be paid by the Secretary of the Trinidad Turf Club to the credit of the Jockey Accident Fund.

69. A Register shall be kept by the Secretary of the Trinidad Turf
30 Club, at the office of the Club, of the names of all licensed Jockeys, and such register shall record all proceedings in reference to each jockey and of the ruling of the Stewards in such proceedings.

70. The Stewards may at any time suspend any jockey from riding at their meeting : but they shall report forthwith any such suspension to the Stewards of the Trinidad Turf Club.

71. In the absence of a special agreement to ride for a lower sum, the fee to a winning jockey shall be Twenty-five dollars, and to the losing jockey Fifteen dollars. The fee for riding payable to Jockeys must, if required, be deposited with the Secretary before the horse is weighed out.

40 Any owner who fails within 21 days after a meeting to pay any amount which is due by him to any jockey for riding at such meeting may be declared by the Stewards of the Trinidad Turf Club to be in default and shall thereupon become a disqualified person.

72. Gentlemen riders shall pay Five dollars towards the Jockey Accident Fund, before riding at any meeting held under the auspices of the Club.

A.
Rules of
Racing,
Trinidad
Turf Club
(Extracts),
continued.

Exhibits.

A.

Rules of
Racing,
Trinidad
Turf Club
(Extracts).
continued.

73. No licence shall be given to Jockeys, amateur or professional, who are under the age of 13.

TRAINERS.

74. Every trainer of a horse running under these Rules, must obtain an annual licence from the Stewards of the Trinidad Turf Club, and pay a yearly subscription of Fifty Dollars to the Jockey Accident Fund.

- (1) No person whose licence to train has been withdrawn or refused on the ground of misconduct will be permitted to take employment in any racing stable or be allowed in any weighing room or paddock. 10
- (2) No owner or trainer shall engage any groom or any stable servant who has previously been in a training stable without referring to his last employer and receiving a satisfactory reply in writing.
- (3) Any owner or trainer infringing this Rule, and continuing to employ such servant, after notice has been served on him by the late employer, or through the Registry Office, shall be reported to the Stewards of the Trinidad Turf Club.

Any servant prevented by this Rule from obtaining or retaining employment shall have a right of appeal to the Stewards of the Trinidad Turf Club. 20

75. When a licensed Trainer who holds a Jockey's licence :

- (a) Has two or more horses, separately owned under his control, competing in a race he may not ride.
- (b) If he has only one horse competing, he may ride that one and no other.

PART XI.

RACING COLOURS.

Rules 76 and 77.

[*Not printed.*]

30

PART XII.

WEIGHTS AND PENALTIES.

78. No horse shall carry less than 84 lbs. nor more than 145 lbs.

79. Extra weights shall not be incurred in respect of matches or private sweepstakes.

80. When any race is in dispute, both the horse that came in first and any horse claiming the race shall be liable to all penalties attaching to the winner of that race till the matter is decided.

ALLOWANCES.

Rules 81 to 83.

[*Not printed.*]

40

PART XIII.

WEIGHING OUT, EXHIBITING NUMBERS, ETC.

THE WEIGHING ROOM.

84. No person shall, without special leave from the Stewards, be admitted to the weighing-room except the owner, trainer and jockey or other person having the care of a horse engaged in the race, and any person refusing to leave shall be reported to the Stewards.

WEIGHING OUT.

10 85. Every jockey must be weighed for a specified horse by the Clerk of the Scales, at the appointed place, not less than a quarter of a hour before the time fixed for the race, and the numbers shall then be exhibited as soon as possible. In exceptional cases, or where the delay of a previous race has rendered punctuality impossible, the Stewards may extend the time allowed for weighing, declaring weights, and for exhibiting the numbers.

86. When the numbers have been exhibited, no alteration or addition can be made without the leave of the Stewards. Should any horse not start whose number has been exhibited the owner and any other person responsible may be fined, or otherwise dealt with, at the discretion of the Stewards.

20 87. If a jockey intend to carry overweight, he must declare the amount thereof at the time of weighing-out, or, if in doubt as to his proper weight, he may declare the weight he intends to carry.

88. If a horse runs in a hood, muzzle, martingale, breast-plate, or clothing, it must be put into the scale and included in the jockey's weight.

89. No whip, or substitute for a whip, bridle, plates, or anything worn on a horse's legs shall be allowed in the scales, either in weighing-out or weighing-in.

90. The owner or his agent is responsible for the weight carried by his horse.

30

PART XIV.

STARTING.

Rules 91 to 100.

[*Not printed.*]

PART XV.

RUNNING.

101. Every horse which runs in a race shall be run on his merits, whether his owner runs another horse in the race or not.

102. (i) A horse which crosses another in any part of the race so as to interfere with that or any other horse's chance, is liable to disqualification, unless it be proved that he was two clear lengths in front when he crossed.

Exhibits.

A.
Rules of
Racing,
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(Extracts),
continued.

Exhibits.
 A.
 Rules of
 Racing,
 Trinidad
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 (Extracts),
continued.

(ii) If a horse or his jockey jostle another horse, or jockey, the aggressor is disqualified, unless it be proved that the jostle was wholly caused by the fault of some other jockey, or that the jostled horse or its jockey was partly in fault.

(iii) When a horse is disqualified under this rule, every horse in the same race belonging wholly or partly to the same owner is liable to disqualification.

(iv) If a horse run on the wrong side of a post his jockey must take him back and he must run the course from such post.

(v) If the Stewards on an objection, find a jockey guilty of foul riding 10 his horse shall be disqualified.

Rules 103 and 104.

[*Not printed.*]

PART XVI.

DEAD-HEATS.

Rules 105 to 110.

[*Not printed.*]

PART XVII.

WEIGHING IN.

111. Immediately after pulling up, the winning jockey of each race 20 must ride his horse to the place appointed for unsaddling the winner. The other jockeys may dismount within a reasonable distance. Every jockey must present himself to be weighed by the Clerk of the Scales at once. If a jockey be prevented from riding back to weigh in by reason of accident or illness, by which he or his horse is disabled he may walk or be carried to the scales.

112. If a horse carry more than 2 lb. over his proper weight or over the weight at which his jockey weighed out, the matter shall be reported to the Stewards, who may disqualify the horse and/or deal with the jockey, owner or trainer as they may decide. 30

113. If the jockey cannot draw the proper or declared weight, the Clerk of the Scales shall allow him one lb.

114. If a jockey do not present himself to weigh in, or be short of weight, or dismount before reaching the place appointed for that purpose, or touch (except accidentally) any person or thing other than his own equipments, before weighing in, his horse is disqualified, unless he can satisfy the Stewards that the circumstances were beyond his control.

PART XVIII.

DISPUTES, OBJECTIONS, APPEALS, ETC.

115. Every objection shall be decided by at least three Stewards, 40 but their decision shall (if they are not the Stewards of the Trinidad Turf Club) be subject to appeal to the Stewards of the Trinidad Turf Club, so far as relates to points involving the interpretation of these Rules

or to any question, other than a question of fact, on which there shall be no appeal unless by leave of the Stewards and with the consent of the Stewards of the Trinidad Turf Club. Notice of appeal must be given in writing to the Clerk of the Course within forty-eight hours of the decision being made known.

Exhibits.

A.
Rules of
Racing,
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continued.

OBJECTIONS : WHEN AND HOW MADE.

116. All disputes, objections, and appeals referred to or brought before the Stewards of the Trinidad Turf Club for their decision shall be decided by at least three Stewards ; if only two Stewards be present, they shall fix upon a third person, being a member of the Club, in lieu of the absent Steward, but the Stewards may call in any other members of the Club to their assistance, or may, if they think the importance or difficulty of the case requires such a course, refer it to a general meeting.

117. (i) If an objection to a horse engaged in a race be made not later than half-past ten in the morning of the day of the race, the Stewards may require his qualification to be proved before the race ; and, in default of such proof being given to their satisfaction, they may declare him disqualified.

(ii) An objection to the distance of a course officially designated must be made before a race.

(iii) An objection to any decision of the Clerk of the Scales must be made at once.

(iv) An objection to a horse, on the ground of a cross, jostle, or any act on the part of the jockey, or of his not having run the proper course or of the race having been run on the wrong course, or of any other matter occurring in the race, or before weighing-in, must be made to the Clerk of the Scales within five minutes after the winner has weighed-in, unless, under special circumstances, the Stewards are satisfied that it could not have been made at that time.

(v) An objection on the ground :—

(a) That the horse which ran was not the horse which he was represented to be at the time of entry, or that he or his jockey was not qualified under the conditions of the race, or

(b) That he has run in contravention of the rules of partnership, or

(c) That he has run in contravention of the rule relating to the disqualification of horses, or

(d) That the weight carried by a horse was incorrect, may be received within fourteen days of the conclusion of a meeting.

118. Every objection shall be in writing, and must be signed by the owner of some horse engaged in the race, or by his authorised agent, and must be made to the Secretary ; the objector shall, at the time he makes the objection, deposit Fifteen dollars. If the case be decided against the depositor, his deposit shall be forfeited to the Jockey Accident Fund, unless the Stewards who heard the case shall certify that there was good and reasonable ground for the objection.

119. An objection may also be made without deposit by a Steward or Official of a meeting, in his official capacity.

120. An objection cannot be withdrawn without leave of the Stewards.

121. No horse shall be disqualified on account of any error or violation of rule in the entry, which might have been corrected on payment

Exhibits.
 —
 A.
 Rules of
 Racing,
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 (Extracts),
continued.

of a fine, but the Stewards may inflict fines upon, or otherwise deal with, any person responsible for such errors.

122. If an objection to a horse which has won, or been placed in, a race be declared valid, the horse shall be regarded as having been last in the race, and the other horses shall take positions accordingly.

123. All costs and expenses in relation to determining an objection or conducting an enquiry, and any reasonable compensation for outlay incurred shall be paid by such person or persons, and in such proportions as the Stewards shall direct.

124. Pending the determination of an objection, any prize which the horse objected to may have won, or may win in the race, shall be withheld until the objection is determined. 10

PART XIX.

CORRUPT PRACTICES AND DISQUALIFICATIONS OF PERSONS.

125. Any person who shall :

- (i) Administer or cause to be administered, for the purpose of affecting the speed of a horse, drugs or stimulants internally, by hypodermic, or other method : or
- (ii) Corruptly give or offer or promise, directly or indirectly, any bribe in any form to any person having official duties in relation to a race or racehorse, or to any trainer, jockey, or agent, or to any other person having charge of, or access to, any racehorse : or 20
- (iii) Having official duties in relation to a race, or if any trainer, jockey, or agent, or other person, having charge of, or access to, any racehorse, corruptly accept or offer to accept any bribe, in any form : or
- (iv) Wilfully enter or cause to be entered or to start for any race a horse which he knows or believes to be disqualified : or
- (v) Be guilty of, or shall conspire with any other person for the commission of, or shall connive at any other person being guilty of any other corrupt or fraudulent practice in relation to racing in this or any other country, 30

shall be warned off by the Stewards and reported forthwith to the Stewards of the Trinidad Turf Club.

When any person is warned off, and as long as his exclusion continues, he is a disqualified person.

126. (i) Any person who acts in any official capacity, enters, owns, trains, or rides a horse entered or running at any unrecognised Meeting, is liable to be made a disqualified person by the Stewards of the Trinidad Turf Club for such time as they shall think fit. 40

(ii) At the close of any recognised Meeting the Secretary shall within 7 days report to the Secretary of the Trinidad Turf Club all persons in arrears and the amounts due.

The Secretary of the Trinidad Turf Club shall thereupon notify each person so reported of the sums due by him by letter sent by Registered Post to the last known place of abode or business of such person.

If any person so notified fails to pay the arrears within 28 days, of the date of the posting of such letter, he shall forthwith become a disqualified person. 50

127. A "disqualified person," so long as his disqualification lasts, is unable :

- (1) To act as Steward or Official at any recognised meeting ;
- (2) To act as authorised agent under these Rules ;
- (3) To subscribe for, or enter, run, train, or ride a horse in any race at any recognised meeting or ride in trials ;
- (4) Enter any Race Course, Stand, or Enclosure ;
- (5) Except with permission of the Stewards of the Trinidad Turf Club be employed in any Racing Stable.

Exhibits.

A.
Rules of
Racing,
Trinidad
Turf Club
(Extracts),
continued.

10

PART XX.

MATCHES.

Rules 128 and 129.

[*Not printed.*]

PART XXI.

NEW RULES.

130. Every new rule (in which term is included the repeal or alteration of an existing rule) shall, except as allowed for under Rule 131, be introduced by resolution at an Annual General or Special General Meeting of the Trinidad Turf Club.

20 131. The Stewards of the Trinidad Turf Club in any case of urgency, of which they shall be the sole judges, shall have power to bring forward a new rule at any meeting of the Committee.

Such new rule, if passed by the Committee, shall come into operation at such time as the Committee shall decide ; but it shall be submitted to the Members of the next Annual General or Special General Meeting of the Club who shall have power to alter or rescind the same ; provided that no such alteration or rescission shall invalidate anything previously done pursuant to its provisions.

PART XXII.

30 132. The English Jockey Club Rules of Racing for the time being in force shall apply in any case not provided for in these Rules.

SCALE OF WEIGHT FOR AGE.

[*Not printed.*]

SWEEPSTAKE RULES.

[*Not printed.*]

PARI-MUTUEL RULES

[*Not printed.*]

INDEX.

[*Not printed.*]

Exhibits.

A.1.

RULES AND ORDERS of the Jockey Club, 1890.

A.1.
 Rules and
 Orders of
 the Jockey
 Club 1890.

These rules came into operation on the 1st January, 1890 on and from which day the then existing rules were repealed, without prejudice to the then existing rights or liabilities.

INDEX.

[*Not printed.*]

PART I.

MEMBERS OF THE CLUB.

1. For the Jockey Club, each candidate must be proposed and 10
 seconded by members of the Club, Notice of Candidature must be given to
 the Keeper of the Match-Book, and by him forwarded to the Members by
 circular not less than a fortnight previous to the date on which the ballot
 is to take place.

2. The election of candidates for the Jockey Club shall be by ballot,
 and at a General Meeting of the Club at the First Spring, First July, Second
 October or Houghton Meetings at Newmarket, or at the meeting held
 annually in London in May or June.

Nine members at least shall ballot, and three black balls shall
 exclude. 20

3. The Subscription to the Jockey Club is £10 per annum, payable
 on election, and on the 1st of January of each subsequent year.

Members of the Jockey Club being abroad for a whole year from the
 1st January shall, on giving notice, not be liable for their subscription
 during their absence.

Members of the Jockey Club are entitled to free admission to all
 Stands and Enclosures on Newmarket Heath.

PART II.

MEETINGS OF THE CLUB.

4. Meetings of the Club shall be called by the Stewards at their 30
 discretion. Notice of Meetings for the transaction of general business,
 and the days upon which they are to be held, must be given in the Sheet
 Calendar published during the previous week, and by Circular to all
 Members, and for special or private business, except as hereinafter specified,
 notice shall be given by Circular not less than seven days before the
 Meeting is to be held.

5. The place, day, and hour at which all meetings are to be held
 shall be fixed by the Stewards.

6. Meetings for the election of candidates for the Jockey Club Rooms
 and Stands may be called by a notice in writing, which must be put up 40
 in the Coffee Room the day preceding such meeting.

7. Special meetings for the election of honorary Members of the
 Jockey Club Rooms may be held, without notice, at any time during a
 Newmarket week.

8. Upon the request of not less than twenty members given in writing to the Keeper of the Match-Book, the Stewards shall call a General Meeting of the Club in London, not less than seven or more than twenty-eight days after such requisition has been presented.

9. The annual Financial Meeting of the Club shall be held at Newmarket in the Craven Meeting, and a meeting of the Club shall be held annually in London in May or June.

10. Honorary Members have not the power of voting at meetings of the Club.

10 Nine members, including one Steward, shall form a quorum.

Exhibits.
—
A.1.
Rules and
Orders of
the Jockey
Club 1890,
continued.

PART III.

THE STEWARDS OF THE CLUB.

11. There shall be three Stewards of the Club, the senior of whom shall retire from office at the annual Financial Meeting. The retiring Steward shall then nominate some other member to succeed him, subject to the approbation of the Members present, and such newly-appointed Steward shall continue in office for three years.

12. Should any of the Stewards die, resign or fail to nominate a successor, the Member who has last served the office of Steward, and is available, shall act in place of the deceased or resigning Steward until such time as a General Meeting of the Club can be held to appoint a successor. The Stewards shall at that Meeting nominate a Member of the Club to succeed the deceased or resigning Steward, and if the nomination is approved at the General Meeting of the Club the said Member shall be deemed to be appointed, and shall remain in office until the expiration of his predecessor's time.

13. A Steward may appoint a deputy at any time, and in the absence of any Steward or Stewards who have not appointed a deputy, the Member, or Members, of the Jockey Club available who have last served the office shall act.

14. The Stewards of the Jockey Club are the Stewards of all races run at Newmarket.

15. The Stewards shall, in conjunction with the Jockey Club Estates Committee, have the management of the property of the Club, which shall be vested in three Trustees appointed by the Club from amongst the Members, who shall remain in office until death or resignation. The Trustees shall deal with the property of the Club as directed by the Stewards, but may submit any direction to the Estates Committee for confirmation.

16. The Stewards have full power to make such regulations as they may think proper in regard to the Course Training Trial, and Exercising Grounds, Stands, Club Premises, and Estates.

17. The Stewards have a discretionary power to warn any person off the race-course and Heath at Newmarket, or off any premises belonging to or occupied by the Jockey Club, and in case of such notice being disregarded, to take legal proceedings against the offenders.

18. The Stewards shall appoint all the officers and the servants of the Club, and regulate all fees payable at Newmarket.

Exhibits.
 —
 A.1.
 Rules and
 Orders of
 the Jockey
 Club 1890,
continued.

19. At the Annual Financial Meetings of the Club the Stewards shall produce an account of the funds and disbursements of the Club, made up to the 31st of December preceding, and certified by a public accountant.

COMMITTEES OF THE CLUB.

20. The following Committees of the Jockey Club shall be appointed annually during the First Spring Meeting at Newmarket :—

(A) The Jockey Club Estates Committee, which shall consist of not less than three Members.

(B) The House Committee, which shall deal with all matters 10 connected with the Jockey Club Rooms and Chambers and shall consist of not less than three Members.

(C) The Rules Committee which shall consist of not less than three Members.

(D) The Race-Course Finance Committee, which shall consist of not less than three Members.

The Stewards are ex-officio Members of the Committees.

THE KEEPER OF THE MATCH-BOOK.

21. The Keeper of the Match-Book is to receive the stakes, and collect the entrance money and all other funds belonging to the Club. 20

PART IV.

ADMISSION OF MEMBERS TO THE JOCKEY CLUB ROOMS AND STANDS.

22. Persons not being Members of the Jockey Club may be admitted as Members of the Jockey Club Rooms on such terms as the Jockey Club may from time to time prescribe.

23. The number of Members of the Jockey Club Rooms is limited to 300, but the Stewards shall have power to propose additional names for election in excess of that number.

24. For the Jockey Club Rooms and Stands each candidate must be proposed and seconded, in writing, by a member of the Jockey Club, 30 and the full name of the candidate, with his usual place of abode, as well as the names of the Members proposing and seconding him, must be put up in the Coffee Room at least forty-eight hours preceding the day of the election.

It is an implied condition of every Member's election that he agrees to be bound by the Rules of Racing and to be subject to the jurisdiction of the Stewards of the Jockey Club.

25. The election of Candidates (not being Members of the Jockey Club) for the Jockey Club Rooms and Stands shall be by ballot.

26. Ballots for the Rooms and Stands may take place at any General 40 Meeting of the Jockey Club. Nine Members at least shall ballot, and two black balls shall exclude; but when Eighteen Members vote, there must be three black balls to exclude.

27. A Member of the Jockey Club may be admitted a Member of the Jockey Club Rooms without ballot, by applying to the Keeper of the Match-Book, and paying the same sums for his admission, and subscription, as are required of Members chosen by ballot. Honorary Members of the Jockey Club are Honorary Members of the Rooms.

28. The admission fee to the Jockey Club Rooms is £20, and the annual subscription £10.

The Stewards have the power to admit distinguished visitors to the Jockey Club Rooms or Stands free of payment.

29. Honorary Members of the Jockey Club Rooms are elected for the current year only; but unless notification of withdrawal has been sent in to the Secretary, their names shall be brought forward by the Stewards for re-election each year at the Craven Meeting. They shall not be liable for any admission fee or subscription.

10 30. A person, though elected, shall not be considered as admitted a Member of the Jockey Club Rooms until he shall have paid the usual sums for the admission and subscription of a new Member. The subscription shall be payable on the First of January in every year, and the name of every Member whose subscription is not paid by the First Spring Meeting shall be posted in the Coffee Room at Newmarket, in that meeting, and if such arrear be not paid by the end of the First July Meeting, he shall cease to be a Member.

20 31. If any Member of the Rooms or Stands at Newmarket shall leave his bill for household expenses unpaid two months after the same shall have been delivered to him, notice shall be sent to him that if it be not paid by a time to be mentioned in the said notice (not to exceed three months), his name will be erased from the list of Members, and, in the event of his default, he shall cease to be a Member.

32. Members abroad from 1st of January to the end of the year, on giving notice thereof, shall remain Members without paying subscription, so long as such absence abroad continues.

33. Candidates for Membership of the Stands, not being Members of the Jockey Club Rooms, must be proposed, seconded and balloted for in the same manner as candidates for the Jockey Club Rooms.

30 34. Members of the Jockey Club Rooms or Stands are entitled, on the payment of the usual admission fees, to admission to such Stands or parts of the Stands as may be from time to time set apart for their use, and are free of the Saddling and all other enclosures.

35. Members of the Jockey Club Rooms or Stands are admitted to the Stands on payment of £16 per annum to clear all payments, or £7 per annum and 10s. a day for each day's admission, to be paid to the door-keeper.

40 36. Occasional visitors may be admitted to the Stands, on production of a voucher signed by a Member of the Jockey Club, for any one race-week of four days on payment of £5, or of three days on payment of £3 15s. or for any three separate days on payment of £1 10s. each day, but on wishing to come for a longer period must be balloted for in the usual way.

37. A list of Members who have at any meeting used the Stands without having paid for admission shall be posted at the entrance to the Stand at the commencement of the following meeting, and they shall not be admitted until the sums due from them are paid, but if not paid by the end of that meeting, they shall cease to be Members of the Stand, and the sums due from them will be recoverable as debts due to the Stewards.

Exhibits.

A.I.
Rules and
Orders of
the Jockey
Club 1890,
continued.

Exhibits.

A.1.

Rules and
Orders of
the Jockey
Club 1890,
continued.

38. All subscriptions to the Stands are payable by the First of January, and must be paid before the Stand is used.

39. If any Member of the Jockey Club, or of the Jockey Club Rooms or Stands at Newmarket, should appear in the published Forfeit List as a defaulter for stakes or forfeits, or be reported by the Committee of the Subscription Rooms at Newmarket, or at Messrs. Tattersall's as being a defaulter for bets lost on horse-racing, the Stewards shall cause notice to be sent to him that if his default be not cleared by a time to be stated in the said notice his name will be erased from the list of Members ; and if at a General Meeting of the Jockey Club it shall be decided that a Member 10 of the Jockey Club, Jockey Club Rooms, or Stands, has been guilty of conduct unbecoming a gentleman, or prejudicial to the interests or reputation of the Club, or has been convicted of fraudulent practices, or connivance at fraudulent practices, his name shall be at once removed from the list of Members.

40. If any Member of the Jockey Club, or Jockey Club Rooms or Stands, shall be declared a bankrupt, or shall compound or arrange with his creditors under the provisions of any Act of Parliament, he shall, *ipso facto*, cease to be a Member of the Club, and shall forfeit all right to the use of, or claim upon, the property of the Club. But it shall be lawful for a 20 General Meeting of the Club, on the written application of such member, after due inquiry, and after the expiration of not less than thirty days from the date of such application, to restore his name by ballot, two-thirds of those present consenting, and the Members so readmitted shall not be called upon to pay any entrance fee.

PART V.

41. No races for Gentlemen Riders are allowed at Newmarket without the sanction of the Stewards.

TRAINING AND HEATH TAX AT NEWMARKET.

LICENCE TO TRAIN.

30

42. Every trainer who wishes to train horses on the lands belonging to, or in the occupation of, the Jockey Club, must apply annually to the Stewards for a licence, and on making such application must specify the horse then under his charge, and the names of their owners, and shall not take horses from any other owner without first obtaining the permission of the Stewards.

Every licence granted to a trainer shall be subject to such regulations as from time to time may be made by the Stewards, and conditional upon his obedience thereto.

43. A trainer shall be liable to have his licence withdrawn for 40 breaking the rules laid down by the Stewards for the management of the ground, or for any misconduct on the Turf, or in matters connected with it.

44. Should the Stewards find it necessary to refuse or withdraw a licence from any trainer, they shall report that they have done so at the next General Meeting of the Club.

HEATH TAX.

Exhibits.

45. Every trainer shall pay to the Stewards of the Jockey Club a Heath Tax of ten pounds annually in respect of every horse, and three guineas for every yearling that shall be trained or broken by him at Newmarket on any lands belonging to, or in the occupation of the Jockey Club.

A.I.
Rules and
Orders of
the Jockey
Club 1890,
continued.

Any horse remaining at Newmarket more than a week before or after any Race Meeting there, shall become liable to Heath Tax, and his trainer shall apply for a licence under Rule 42.

10 46. The Stewards shall make such orders as they think fit relative to the returns to be made by the trainers of horses under their care, and if any trainer shall fail to make a true return he will be surcharged one guinea for each horse omitted from his list.

N.B.—At present all trainers are required to send in on the 1st of February a list of the horses which have been under their charge from the 1st of January, and on the first of every succeeding month a list of any additional horses that have been under their care since the preceding return.

20 47. The amount of the tax (for which the trainer is the person liable) shall be due at the same time that the return is made, and must be paid within one month after that date.

In default of such payment the licence of the defaulting trainer may be withdrawn at the discretion of the Stewards, and the amounts due may be treated as a debt due to the Stewards, and may be sued for in any Court of Law.

30 48. The payment of Heath Tax shall not be taken to confer on the person paying the same any legal rights which shall interfere or be inconsistent with the absolute possession by the Stewards of the lands in respect of which the tax is paid, nor with the control the Club now has over all persons using or going on to their grounds.

NEW RULES AND ALTERATIONS OF RULES.

49. Notice of any proposed new Rule, or alteration of a rule, shall be submitted to the Rules Committee, and shall be sent by circular to all the Members of the Jockey Club at least ten days before the meeting at which such rule is to be discussed.

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B.

RULES OF RACING.

These Rules apply to all meetings held under the sanction of the Jockey Club, and to all races run at such meetings.

* * *. The addition which came into force on April 14th, 1939, and alterations which will come into operation on March 1st, 1940, are printed in italic.

PART I.**INTERPRETATION OF WORDS AND PHRASES.**

1. The recognised Turf Authorities of Great Britain, Ireland, and 10 the Channel Islands are—

The Jockey Club.
The National Hunt Committee.
The Turf Club of Ireland.
The Irish National Hunt Steeple Chase Committee.
The Channel Islands Racing and Hunt Club.

A "recognised Turf Authority" is the authority responsible for controlling horse racing in the country concerned.

A "recognised meeting" is a meeting held under the sanction of a recognised Turf Authority. 20

The following other recognised Turf Authorities have an arrangement with the Jockey Club for the mutual enforcement of sentences passed on offenders :—

Africa—	Canada—	
Jockey Club of Kenya, East Africa	Incorporated Canadian Racing Associations	
Jockey Club of South Africa		
America (South)—	Ceylon—	
Buenos Aires Jockey Club	Ceylon Turf Club	
Demerara Turf Club		
Jockey Club of Rio de Janeiro	Cyprus—	
Jockey Club of Uruguay	Cyprus Turf Club	30
America (United States)—	Denmark—	
Jockey Club, New York	Jockey Club of Denmark	
Australia—	Egypt—	
Australian Jockey Club (Sydney)	Jockey Club of Egypt	
Queensland Turf Club		
South Australian Jockey Club	France—	
Victoria Racing Club (Melbourne)	Société d'Encouragement pour l'amélioration des Races de Chevaux en France	
Western Australian Turf Club		
Belgium—	Gibraltar—	
Belgian Jockey Club	Gibraltar Jockey Club	40
British Honduras—	Holland—	
Belize Jockey Club	Royal Jockey Club of Holland	
Burma—	Hungary—	
Rangoon Turf Club	Hungarian Jockey Club	

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Royal Calcutta Turf Club	Roumanian Jockey Club	
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Iraq—	Sociedad de Fomento de la Cria	
Iraq Turf Club	Caballar de Espana (Madrid)	
Italy—	Straits Settlements—	
Italian Jockey Club	Straits Racing Association	
Malta—	(Singapore)	
Malta Racing Club	Sweden—	
10 Mauritius—	Jockey Club of Sweden	
Mauritius Turf Club	West Indies—	
New Zealand—	Jockey Club of Jamaica	
New Zealand Racing Conference	Trinidad Turf Club	
Poland—	Barbados Turf Club	
Polish Racing Association	Yugoslavia—	
	Danubian Horse Society	

NOTE.—The procedure for dealing with jockeys reported by any of the above Turf Authorities will be in accordance with the terms of a letter agreed upon by the Jockey Club on June 15th, 1925, and accepted by the Clubs of other Countries.

20 “Added money” is money actually contributed towards the stakes by the Race-fund or from other sources, as distinct from money contributed by the owners of horses engaged.

The “advertised value” of a plate is the amount advertised to be given to the winner, and which he would receive (before deducting his entrance money) in the event of a walk-over, or if no other horse were placed.

“Arrears” are any sums unpaid in respect of fines, compensation, fees, entrance money, stakes, subscriptions, forfeits, and purchase money in races with selling conditions.

30 “Authorised agent” means an agent appointed by a document signed by the owner and lodged annually at the Registry Office, or, if for use at a single meeting only, lodged with the Clerk of the Course of that meeting. “Authorised agent” includes sub-agent, if authority to appoint a sub-agent is provided by the document.

The “breeder” is the person who owns the dam when the foal is dropped.
[The definition of “breeder” came into force on April 14th, 1939.]

A “cup” is any prize not given in money.

The “Forfeit List” is a record of arrears published under the sanction of the Turf authorities of Great Britain, Ireland, and the Channel Islands.

40 A “free handicap” is one in which no liability for stake or forfeit is incurred until acceptance.

A “handicap” is a race in which the weights to be carried by the horses are adjusted by the handicapper for the purpose of equalizing their chances of winning.

A “horse” includes mare, gelding, colt, and filly.

A “jockey” is a person who holds a licence from the Stewards of the Jockey Club to ride for hire.

50 A “maiden” is a horse which has never won a race (other than a match or private sweepstakes, or the Newmarket Challenge Cup or Whip) at any recognised meeting in any country.

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A maiden means a maiden at the time of the start.

A "match" is a race between horses, the property of two different owners, on terms agreed by them.

A match at "catch weights" means one for which the riders need not weigh before or after the race.

The "nominator" is the person in whose name a horse is entered for a race.

A "nursery handicap" is one confined to two years old horses.

"Owner" includes "part owner" and "lessee," but not "lessor."

A "plate" is a race for which a prize or prizes of definite value are guaranteed by the Race-fund, the entrance fee, forfeit, subscription, or other contribution of owners going to the Race-fund (subject to the provisions of Rule 159 as to disposal of surplus). 10

A "post race" is a race for which a person may, under one subscription, enter two or more horses, and run any one or more of them, as the conditions prescribe.

A "private sweepstakes" is one which has not been advertised previous to closing.

A "produce race" is one to be run for by the produce of the horses named or described at the time of entry. 20

A "race" means plate, cup, sweepstakes, private sweepstakes, or match, but not steeple chase, hurdle race, or National Hunt Flat Race.

NOTE.—A horse which has only won a match or private sweepstakes, or the Newmarket Challenge Cup or Whip, is not debarred from any race a condition of which is that horses shall not have won a race of a specified value or distance.

The "Racing Calendar," comprising the "Sheet Calendar," the "Monthly Calendar," the "Book Calendars" of "Races Past" and of "Races to Come," and the "Stud Book" are the works published under those names respectively by authority of the Jockey Club. 30

The "Registry Office" is the office for the time being appointed at the registry office by the Jockey Club.

[The present Registry Office is Messrs. Weatherby's Office, 15, Cavendish Square, London, W.1.]

"Registered" and "Registration" mean "Registered" and "Registration" at such office.

A "selling" race is one of the conditions of which require that every horse running, if a loser, may be claimed, and, if the winner, must be offered for sale by auction.

"Started."—Every horse shall be considered as having started which is under the Starter's orders when the white flag is raised. 40

"Stewards."—Wherever the word "Steward" or "Stewards" is used, it means Steward or Stewards of the meeting, or their duly appointed deputy or deputies.

A "sweepstakes" is a race in which the entrance fee, forfeit, subscription, or other contribution of three or more owners go to the winner or placed horses, and any such race is still a sweepstakes when money or other prize is added.

A "trainer" is a person who holds a licence from the Stewards of the Jockey Club to train race-horses. 50

The "time of entry" means the time fixed for closing.

A "weight-for-age race" is any race which is not a handicap or a selling race.

PART II.

Calculation of Time.

2. When the last day for doing anything under these rules falls on a Sunday, it may be done on the following Monday, unless a race to which such act relates is appointed for that day, in which case it must be done on the previous Saturday.

3. "A Month" means a calendar month; "a Day" means twenty-four hours.

Racing Season.

10 4. No race shall be run earlier than in the week which includes the 25th of March (unless that be the one next before Easter Sunday, in which case races may be run in the week preceding), nor later than in the week which includes the 22nd of November.

PART III.

Stewards of Meetings.

5. There must be at least three Stewards for every meeting. Each Steward may appoint a deputy at any time.

6. Should there not be three Stewards or their deputies present, the Clerk of the Course shall, without delay, see that any vacancy or
20 vacancies are filled, so that there shall be three persons to act.

Powers of the Stewards.

7. The Stewards of a meeting have full power to make (and, if necessary, to vary) all such arrangements for the conduct of the meeting as they think fit, and to dispense with the Starting Gate as provided in Rule 134.

They have power, under exceptional circumstances, to abandon the meeting, or to abandon any races, or to postpone any races to the following day or days in the current week: Provided always that all the races originally advertised for any day shall be included in that day's programme
30 on the official card, and that the meeting is not extended further than one day beyond the days originally allotted to that fixture.

Should the Stewards authorise the abandonment or postponement of any races, or vary in any way the programme as originally advertised, they shall, without delay, report to the Registry Office their reasons for so doing.

8. The Stewards have control over, and they and the Stewards of the Jockey Club have free access to, all stands, rooms, enclosures, and other places used for the purposes of the meeting.

9. They shall exclude from all places under their control:

40 (i) Every person who is warned off Newmarket Heath.
(ii) Every person whose name has been published in the Unpaid Forfeit List, until the default is cleared.

(iii) Every person who has been reported by the Committee of Tattersall's under Part XXIV, until the report has been withdrawn.

(iv) Every person who has been declared by the Turf authorities of, or by the Stewards of, any recognised meeting in this or any other country to have been guilty of any corrupt or fraudulent practice on the Turf.

(v) All such persons or description of persons as they may from time to time be required to exclude by the Stewards of the Jockey Club.

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(vi) They have power to exclude at their discretion any person from all or any places under their control.

10. The Stewards have power to regulate, control, take cognisance of, and adjudicate upon, the conduct of all officials, and of all owners, nominators, trainers, jockeys, grooms, persons attendant on horses, and of all persons frequenting the Stands or other places used for the purpose of the meeting.

11. (a) They have power to punish at their discretion any person subject to their control with a fine not exceeding 50 sov., and with suspension from acting or riding at the same meeting, and to report to the Stewards of the Jockey Club, should they consider any further fine or punishment necessary. Any jockey so suspended shall not ride in any race there or elsewhere during the continuance of the meeting. 10

(b) They have power to exhibit on the Number Board or elsewhere on a race-course a notice stating that an objection has been lodged, the subject and nature thereof, and also their decision in respect of such objection, or of any other matter coming within their jurisdiction.

12. The Stewards have power to determine all questions arising in reference to racing at the meeting, subject to appeal under Part XXIII, and should no decision have been arrived at by the Stewards, within seven days of an objection being lodged, the Clerk of the Course shall then report the case to the Stewards of the Jockey Club who may at their discretion decide the matter, and, if they consider there has been any negligence, may order any additional expense arising therefrom to be defrayed out of the funds of the meeting at which the case occurred. 20

13. The Stewards have power to call for proof [*see Rule 168 (i)*] that a horse is neither itself disqualified in any respect, nor nominated by, nor the property, wholly or in part, of a disqualified person; and in default of such proof being given to their satisfaction they may declare the horse disqualified. *They have power to prevent from running any horse which cannot be shown to be qualified under these Rules or under the conditions of the race.* 30

14. The Stewards have power at any time to order an examination by such person or persons as they think fit, of any horse entered for a race, or which has run in a race.

15. The Stewards, as such, shall not entertain any disputes relating to bets.

Powers of the Stewards of the Jockey Club.

16. The Stewards of the Jockey Club may impose any fine not exceeding £100. 40

17. The Stewards of the Jockey Club have power, at their discretion, to grant, and to withdraw, licences to Officials, Trainers, Jockeys, and Race-courses; to refuse to accept entries; to refuse to allow any person to act or continue as an authorised agent; to fix the dates on which all meetings shall be held; and in case of emergency or expediency to order the abandonment of any race or race meeting; to make enquiry into, and deal with, any matters relating to racing; and to warn any person off Newmarket Heath; and to authorise the publication in the Racing Calendar of their decisions respecting any of the above matters, and of the decisions and reports of Stewards of Meetings. 50

They have also power, in cases of emergency or expediency, to modify or to suspend any Rule or Regulation, for such period or periods as they

shall think fit, without giving previous notice, but should they do so they shall report the fact in the two subsequent issues of the Sheet Calendar.

18. The Stewards of the Jockey Club take no cognisance of any disputes or claims with respect to bets, but they will give effect to an official report made to them by the Committee of Tattersall's.

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PART IV.

Officials.

19. The following officials require a licence granted annually by the Stewards of the Jockey Club: Clerk of the Course, Handicapper, Clerk
10 of the Scales, Judge, Starter, Veterinary Surgeon.

The Clerk of the Course shall be appointed for every Meeting by the Executive of that Meeting, subject to the approval of the Stewards, and shall be paid by the Executive.

All other officials shall be appointed for every Meeting by the Stewards of the Jockey Club. They shall receive such remuneration from the Racecourse Officials Fund (see Rule 180) as from time to time the Stewards of the Jockey Club may decide.

No two offices shall be held by one person, unless by special permission.

20 Race-course Gatekeepers and Checktakers employed at more than one Meeting also require an annual licence from the Stewards of the Jockey Club.

The Jockey Club Stakeholders are Stakeholders for all Meetings, and shall be paid in accordance with the provisions of Rule 179.

20. In case of emergency, the Stewards may, during a meeting, appoint an unlicensed substitute to fill any of the above-named offices for that meeting only.

21. Every complaint against an official shall be made to the Stewards in writing, signed by the complainant.

Clerk of the Course.

30 22. The Clerk of the Course, or his authorised substitute, is the sole person responsible to the Stewards for the general arrangements of the meeting, and shall see that all courses are properly measured and marked.

23. The Clerk of the Course shall arrange for the publication, under the sanction of the Stewards, of a daily official card of the races, containing the conditions of each race, as published in the Racing Calendar, the names or other description of the horses engaged, with a number attached to each, and such further particulars as the Stewards may require. A horse may appear on the card in the name of the owner instead of that
40 of the nominator, and the Stewards may, under special circumstances, grant permission for a horse to run in the name of the trainer. The Clerk of the Course shall, in such latter case, make a report to the Registry Office stating the grounds upon which the permission was granted.

The Clerk of the Course shall see that at all meetings where a charge is made for the admission of the public to the Paddock all horses running at the meeting shall be brought into the Paddock, and the attendants be provided with badges bearing numbers corresponding with those on the card. In the case of any horse not being brought into the Paddock, or a badge not being exhibited, the trainer shall be reported to the Stewards. Permission may be given by the Stewards, in exceptional

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circumstances, for a horse to be saddled away from the Paddock, but this shall not carry with it exemption from being brought into the Paddock after being saddled.

The Clerk of the Course shall see that a clean number-cloth, of a pattern approved by the Stewards of the Jockey Club, is provided for every horse for which a rider presents himself to be weighed out.

24. The Clerk of the Course shall make a return to the Registry Office of any Deputy Steward or official appointed, of all complaints and decisions of the Stewards, of all fines inflicted, and of all horses sold or claimed, and these matters will be published in the next available 10
 Racing Calendar, unless otherwise ordered by the Stewards of the Jockey Club.

25. The Clerk of the Course shall have in his possession, for the information of the Stewards, a list of persons warned off Newmarket Heath, and of suspended jockeys, and also a copy of the latest Monthly Forfeit List, and he shall not allow any horse which, or the owner or nominator of which, is in the Forfeit List to start for any race,

Rules 26 to 40.

[*Not printed.*]

PART V.

20

Regulations for Race Meetings.

41. (a) All Race-courses must be licensed, and all meetings sanctioned by the Stewards of the Jockey Club.

(b) Applications for Fixtures for the following year must be made to the Secretary of the Jockey Club by March 1st of the current year, and must be accompanied by

A statement of accounts for the preceding year, made up to December 31st, on a form prescribed by the Stewards of the Jockey Club, and obtainable at the Registry Office. Such statement of accounts must be certified by a chartered or incorporated accountant. 30

42. The conditions of every race before closing, and the full programme of every meeting, before it takes place, must be advertised in the "Racing Calendar," and no alteration can be made in the conditions of any race after the last advertisement.

43. The last rule shall not preclude the addition of more money to a race before the time of closing or of a new race to the programme of a meeting subsequent to the publication of the last Calendar issued previous to the meeting being held.

44. The Stewards of the Jockey Club may at their discretion prohibit the advertisement of any race or meeting in the "Racing Calendar," or 40
 call upon the Stewards to alter or expunge any conditions, even after advertisement.

45. At every Meeting advertised in the "Racing Calendar," one-half at least of the total amount guaranteed for prizes shall be apportioned to races of a mile or over for three yrs old or upwards, and of *the sum so apportioned* not less than a half shall be for races of a mile and a quarter or upwards; but where more than one meeting is held at the same place during the current racing season the apportionment may be calculated

over each meeting, or over all the meetings. No two-year-old shall run in any race with more than 200 sov. added before the Epsom Summer Meeting.

46. (i) There shall be no race of less distance than five furlongs.

(ii) There shall not be more than an average per day of two races with selling conditions at any race meeting.

47. The programme of each day shall be subject to the following regulations, except under exceptional circumstances, as provided for in Rule 7 :

10 (i) There shall be two races of a mile or upwards of the minimum aggregate distance of two miles and a half. These races must differ at least one furlong in distance, and they shall fill with five entries. Neither of these races shall be open to two years old ; and one of them shall be neither a handicap nor a race with selling conditions.

(ii) There shall not be more than two races, to which three years old or upwards are admitted, of less than seven furlongs, and of these two races only one may be less than six furlongs.

20 (iii) Of the races confined to two yrs old, there shall not be more than two races a day before September 1st, nor more than three a day at any time.

(iv) Matches and private sweepstakes may be sanctioned by the Stewards, independent of the above regulations. No prize can be added to private sweepstakes or matches.

47. (a). Upon all Race-courses having four or more days' racing during the year (except those having only one fixture) there shall be at least one race during the season confined to apprentices. Apprentices riding in these races shall not be permitted to wear spurs.

30 48. The advertisements must state the days on which the meeting is to be held, the dates for closing the stakes, the names of the persons to receive nominations and declarations of forfeit, and a place or places for the entry for every race (see Rule 71), the dates when weights for the handicaps will be published and the time from which penalties for winning will be incurred, and when forfeits will be due, and, before the time fixed for closing (races for future years excepted), the names of three or more persons as Stewards, and of the Judge, Starter, Clerk of the Course, Handicapper, and Clerk of the Scales.

PART VI.

Omitted Conditions.

Rules 49 to 51.

40

[*Not printed.*]

PART VII.

Special Rules applicable to Handicaps, Produce Races, and Selling Races. Handicaps.

Rules 52 to 61.

[*Not printed.*]

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PART VIII.

*Race Horses.**Age.*

62. The age of a horse shall be reckoned as beginning on the 1st of January in the year in which he is foaled.
63. Yearlings shall not run for any race.
64. Two-year-olds shall not run—
- (a) more than five furlongs before the Epsom Summer Meeting ;
 - (b) more than six furlongs before September 1st.
 - (c) for handicaps before September 1st, nor in handicaps with 10 older horses.

Names of Horses.

65. (i) A name can ONLY be claimed for a horse by application at the Registry Office in London, with the description according to Rule, when, if there is no other horse of the same name, and provided that the name claimed is not that of a celebrated horse or mare, the name will be registered and published in the first Sheet Calendar after it has been claimed, and will, on and after the Monday following publication, be the horse's name under these Rules.

(ii) In the case of a horse which has been entered elsewhere than in 20 Great Britain, under the same name as one already registered, the name may be claimed for him if accompanied by a numeral, and the name with the numeral will then be registered and published as his name.

(iii) If the same name be simultaneously claimed for two or more horses, the order of priority shall be determined by lot at the Registry Office.

(iv) No horse three years old or upwards shall run un-named.

Disqualifications of Horses.

66 (A). A horse is not qualified to be entered or run for any race—

(1) If he has run at any unrecognised meeting. 30

(2) If and so long as he is in the ownership or part ownership of a disqualified person, or so long as any disqualified person has any interest in such horse's winnings in such race (except as under Rule 68).

(3) If and so long as he is in the stable of, or under the care and management of, a disqualified person (see Rules in Parts XII, XV, and XXIV)—

(a) After such disqualification has been twice published in the Racing Calendar.

(b) Or after the expiration of fourteen days from the date of 40 warning-off notice, when such warning-off is on a report from the Committee of Tattersall's.

(4) If and so long as he is in the Forfeit List.

This does not prevent the entry in a produce race of the produce of stallions or mares that are in the Forfeit List.

(5) In any case in which he is by these Rules or by the conditions of the race declared to be disqualified.

(6) If he has been declared disqualified by the Stewards of the Jockey Club.

66 (B). No horse shall be qualified to run—

(1) Unless he is trained by a licensed trainer.

(2) *If he has been tubed on the day of the race.*

66 (C). Any horse which has been the subject of fraudulent practice may, at the discretion of the Stewards of the Jockey Club, be disqualified for such time and for such races as they shall determine.

67. If a horse which is not qualified according to Rule 66 (A, B, or C) be entered or run for any race, he shall *on objection under Rule 168 (v)* be disqualified by the Stewards, and the person or persons responsible shall
10 be reported to the Stewards of the Jockey Club.

68. No horse shall be disqualified for a race in respect to any bonus payable under the conditions of the race to a disqualified person, as breeder or nominator, and in the event of such horse winning or being placed, any such bonus shall be withheld and paid over to the owner.

Foreign Horses.

69. A horse foaled elsewhere than in Great Britain, Ireland, or the Channel Islands shall not be qualified to start for any race until there have been deposited at the Registry Office the following certificates, and a fee of 5s. paid on each of them :—

20 (a) A certificate of pedigree, stating the name (if any), pedigree, age, sex, and colour of the horse, and any mark by which it may be distinguished, signed by the official Stud Book authority of the country in which the horse was foaled. Should there not be an official Stud Book, the Stewards of the Jockey Club may approve of the certificate being signed by the Secretary of the recognised Racing authority.

(b) A certificate of identification, which must also state the age, colour, and sex, and any marks by which the horse may be identified, and must be signed by a veterinary surgeon in Great Britain, Ireland, or the Channel Islands, approved for this purpose by the Stewards of the
30 Jockey Club, either by general order or in the particular case, but no veterinary surgeon shall issue a certificate in respect of a horse of which he is himself the owner or trainer.

70. A horse which has been out of Great Britain, Ireland, or the Channel Islands (but not from one to the other of any of those places) shall not be qualified to start for any race under these Rules unless a certificate of his pedigree was issued by the Stud Book authority on his leaving the country, and (except under special circumstances, and with the permission of the Stewards of the Jockey Club) until the certificate originally issued has been lodged at the Registry Office.

40 The Stewards of the Jockey Club may also require any further proof of identification in any particular case, and may declare any horse disqualified in default thereof.

NOTE.—The Stewards of the Jockey Club have approved generally of certificates given by the Members of the Royal College of Veterinary Surgeons, and by persons holding the Highland and Agricultural Society's diploma.

PART IX.

Entries, Subscriptions, Declarations of Forfeit, and Acceptances for Races.

Rules 71 to 90.

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PART X.

Sale with Engagements.

Rules 91 and 92.

[*Not printed.*]

PART XI.

Rules 93 and 94.

[*Not printed.*]

PART XII.

Trainers, Riders, Stable Lads, &c.

95. (i) No person shall ride in any race until he shall have obtained 10 a licence from the Stewards of the Jockey Club, except as in section (ii) of this Rule, and except an apprentice, who, provided he has never ridden before as a licensed jockey, may ride for one week without a licence. No lad shall be granted a licence as an apprentice who has previously ridden as a full jockey under recognised rules of any country. Licences must be applied for annually, with full name and address, at the Registry Office, and will only be granted on the condition that a jockey is not an owner of any race-horse.

(ii) A person who has never held a jockey's licence under any recognised Turf Authority may ride without a jockey's licence in matches 20 or private sweepstakes, or in races the conditions of which permit of his riding.

(a) As a Member of a Race Club, as specified in such conditions, and recognised by the Jockey Club.

(b) As an Officer on full pay serving in the Regular Forces.

Persons so qualified are not debarred from owning race-horses. They shall ride without remuneration. In other respects they shall be subject to the Rules applicable to jockeys.

(iii) Any horse ridden in a race in contravention of sections (i) or (ii) of this Rule shall be liable to be disqualified by the Stewards, and the 30 rider, and persons responsible for his being employed, shall be reported to the Stewards of the Jockey Club.

(iv) A list of the licensed jockeys shall be published annually in the Racing Calendar.

(v) Every jockey shall pay 1 sov., and every apprentice, 10s., for his licence, to be applied as his subscription to the Bentinck Benevolent and Provident Fund.

96. (i) A jockey whose licence has been withdrawn on the ground of misconduct is a disqualified person.

(ii) If a jockey becomes a disqualified person his licence is thereby 40 revoked.

Jockey's Retainers.

97. In the absence of special agreement, a jockey's retainer terminates at the end of the racing season. Half the agreed retaining fee must be paid in advance, and the remainder at the termination of the retainer.

98. Every jockey at the termination of his apprenticeship is free to form engagements for himself, irrespective of any which have been made for him during such apprenticeship.

The terms of all agreements shall be registered, and a fee of 5s. paid.

99. Employers retaining the same jockey have precedence according to the priority of their retainers.

100. The Stewards of the Jockey Club may adjudicate between persons claiming the services of any jockey, and on disputes between jockeys and their employers, and have power to cancel any agreement between them.

Jockeys' Fees.

101. In the absence of special agreement to ride for a lower sum, the fee to a winning jockey shall be £5 5s., and to a losing jockey, £3 3s., and no further charge shall be made except when requested to leave home for the purpose of riding, in which case the cost of travelling expenses and £1 a day for living, shall be charged to the owner, or divided between the owners at whose request he left home.

(a) In the case of a dead-heat each jockey shall be paid a winning fee.

(b) In addition to the usual jockey's fees the owner shall pay one shilling in respect of each mount, and one shilling shall also be deducted from each fee payable to the jockey as contributions to the Jockey Club Accident Fund.

20 All the above fees shall be paid to the Stakeholder at the same time as the stakes.

Every jockey sending in a charge for expenses at a meeting shall state at the same time what charge has been made to other owners for attending the same meeting.

Trainers and Stable Lads.

102. (i) Every trainer of a horse running under these Rules must obtain an annual licence from the Stewards of the Jockey Club, and pay a yearly subscription of 1 sov. to the Bentinck Benevolent Fund.

N.B.—This rule applies only to trainers in Great Britain.

30 (ii) A person whose licence to train has been withdrawn on the ground of misconduct is a disqualified person.

(iii) No trainer shall engage any stable servant who has previously been in a training stable without referring to his last employer, and receiving a satisfactory reply in writing.

Any trainer infringing this Rule and continuing to employ such servant after notice has been served on him by the late employer, or through the Registry Office, shall be reported to the Stewards of the Jockey Club.

40 (iv) Any servant prevented by this Rule from obtaining or retaining employment shall have the right of appeal to the Stewards of the Jockey Club.

PART XIII.

Racing Colours.

Rules 103 and 104.

[*Not printed.*]

PART XIV.

Entrance Money, Forfeits, and Stakes.

Rules 105 to 110.

[*Not printed.*]

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B.
English
Rules of
Racing
1940—
(Extracts),
continued.

Exhibits.

B.
English
Rules of
Racing
1940—
(Extracts),
continued.

PART XV.

The Unpaid Forfeit List.

Rules 111 to 115.

[*Not printed.*]

PART XVI.

Weights, Penalties, and Allowances.

Rules 116 to 127.

[*Not printed.*]

PART XVII.

Weighing out, exhibiting Numbers, &c.

10

The Weighing Room.

Rules 128 to 133.

[*Not printed.*]

PART XVIII.

Starting.

Rules 134 to 138.

[*Not printed.*]

PART XIX.

Running and Walking Over.

Rules 139 to 142.

[*Not printed.*]

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PART XX.

Dead Heats.

Rules 143 to 148.

[*Not printed.*]

PART XXI.

Weighing in.

Rules 149 to 151.

[*Not printed.*]

PART XXII.

30

Prizes.

Rules 152 to 165.

[*Not printed.*]

PART XXIII.

*Disputes, Objections, Appeals, &c.**Exhibits.*

B.

English
Rules of
Racing
1940—
(Extracts),
continued.

166. Every objection shall be decided by at least three Stewards, but their decision shall (if they are not the Stewards of the Jockey Club) be subject to appeal to the Stewards of the Jockey Club, so far as relates to points involving the interpretation of these Rules, or to any question, other than a question of fact, on which there shall be no appeal unless by leave of the Stewards and with the consent of the Stewards of the Jockey Club. Notice of appeal must be given in writing to the Clerk of the Course within forty-eight hours of the decision being made known.

167. All disputes, objections, and appeals referred to or brought before the Stewards of the Jockey Club for their decision, shall be decided by the three Stewards; if only two Stewards be present, they shall fix upon a third person, being a member of the Club, in lieu of the absent Steward, but the Stewards may call in any other members of the Jockey Club to their assistance, or may, if they think the importance or difficulty of the case requires such a course, refer it to a general meeting.

Objections : when and how made.

168. (i) If an objection to a horse engaged in a race be made not later than half-past ten in the morning of the day of the race, the Stewards may require his qualification to be proved before the race; and in default of such proof being given to their satisfaction, they may declare him disqualified.

(ii) An objection to the distance of a course officially designated must be made before a race.

(iii) An objection to any decision of the Clerk of the Scales must be made at once.

(iv) An objection to a horse on the ground of a cross, jostle, or any act on the part of his jockey, or of his not having run the proper course, or of the race having been run on a wrong course, or of any other matter occurring in the race, or before weighing in (*Rule 151 vi*), or on the ground that the jockey did not present himself to weigh in (*151 vi*), or that he could not draw the weight at which he weighed out (*151 iv*), must be made within five minutes after the winner has been weighed in, unless, under special circumstances, the Stewards are satisfied that it could not have been made within that time (*see Rule 150*). *No objection on any other ground than these shall be heard within this time.*

(v) *An objection on any other ground than those laid down in Rule 168 (iv) shall be received within fourteen days of the conclusion of a Meeting. No objection under this paragraph may be heard until the signal has been hoisted in accordance with Rule 150.*

(vi) In cases of fraud, or wilful misstatement, there shall be no limit to the time for objecting, provided the Stewards are satisfied there has been no unnecessary delay on the part of the objector. *Such objection shall not be heard until the signal has been hoisted in accordance with Rule 150.*

169. Every objection shall be in writing, and must be signed by the owner of some horse engaged in the race, or by his authorised agent, trainer, jockey, or groom, and must, in cases coming under section iv of the preceding rule, be made to the Clerk of the Scales; in other cases to the Clerk of the Course. The objector shall, at the time he makes the

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 ———
 B.
 English
 Rules of
 Racing
 1940—
 (Extracts),
continued.

objection, deposit in the hands of the Stakeholder the sum of 10 sov., and on an appeal, an additional sum of 25 sov. shall be lodged by the appellant. If the case be decided against the depositor, his deposit shall be forfeited to the Bentinck Benevolent or Rous Memorial Funds, unless the Stewards who heard the case, or the Stewards of the Jockey Club on the appeal, shall certify that there was good and reasonable ground for the objection or the appeal.

170. An objection may also be made without deposit by a Steward or licensed official of a meeting in his official capacity.

171. An objection cannot be withdrawn without leave of the 10 Stewards.

172. No horse shall be disqualified on account of any error or violation of Rule in the entry, which might have been corrected on payment of a fine, but the Stewards may inflict fines upon, or otherwise deal with, any persons responsible for such errors.

173. If an objection to a horse which has won, or been placed in a race, be declared valid, the horse shall be regarded as having been last in the race, and shall not be entitled to any prize; the other horses shall take positions accordingly.

174. All costs and expenses in relation to determining an objection 20 or conducting an enquiry, and any reasonable compensation for outlay incurred, shall be paid by such person, or persons, and in such proportions, as the Stewards shall direct.

175. Pending the determination of an objection, any prize which the horse objected to may have won or may win in the race, shall be withheld until the objection is determined, and any forfeit payable by the owner of any other horse shall be paid to and held by the Stakeholder for the person who may be entitled to it.

PART XXIV.

Corrupt Practices and Disqualifications of Persons.

30

176. (i) If any person shall administer, or cause to be administered, for the purpose of affecting the speed of a horse, drugs or stimulants internally, by hypodermic, or other methods; or

(ii) If any person corruptly give or offer, or promise directly or indirectly, any bribe in any form to any person having official duties in relation to a race or race-horse, or to any trainer, jockey, or agent, or to any other person having charge of, or access to, any race-horse; or

(iii) If any person having official duties in relation to a race, or if any trainer, jockey, agent, or other person, having charge of, or access to, any race-horse, corruptly accept or offer to accept any bribe, in any 40 form; or

(iv) Wilfully enter or cause to be entered or to start for any race, a horse which he knows or believes to be disqualified; or

(v) If any person be proved to the satisfaction of the Stewards of the Jockey Club to have surreptitiously obtained information respecting a trial from any person or persons engaged in it, or in the service of the owner or trainer of the horses tried, or respecting any horse in training from any person in such service; or

(vi) If any person be guilty of, or shall conspire with any other person for the commission of, or shall connive at any other person being guilty of, any corrupt or fraudulent practice in relation to racing in this or any other country ;

Every person so offending shall be warned off Newmarket Heath and other places where these Rules are in force.

177. If any person be reported by the Committee of Tattersall's he shall be warned off as in the last Rule mentioned until the report is withdrawn.

10 178. When a person is warned off Newmarket Heath, and so long as his exclusion continues, he is a disqualified person.

178. (a) Any person on whom disqualifications have been imposed by any of the following bodies—

(1) The recognised Turf Authorities of Great Britain, Ireland, and the Channel Islands

(2) The other recognised Turf Authorities mentioned by name in Rule 1

(3) The Pony Turf Club

(4) The National Coursing Club

20 is a disqualified person under these Rules so long as the disqualification continues.

178. (b) Any person who acts in any official capacity, enters, owns, trains, or rides a horse entered or running at any unrecognised Meeting in Great Britain or Ireland is liable to be made a disqualified person by the Stewards of the Jockey Club for such time as they shall think fit.

This Rule shall not apply to Meetings confined to Pony or Galloway racing in Great Britain.

30 178. (c) Any person, being an owner of horses, who by advertisement, circular, letter, or other means offers to give information concerning his own or other horses in return for monetary consideration, or any owner of horses who connives at such practice, is liable to be made a disqualified person as above.

178. (d) A disqualified person, so long as his disqualification lasts, shall not :

(1) Act as Steward or Official at any recognised Meeting.

(2) Act as authorised agent under these Rules.

(3) Enter, run, train, or ride a horse in any race at any recognised Meeting, or ride in trials.

(4) Enter any Race-course, Stand, or Enclosure.

40 (5) Except with permission of the Stewards of the Jockey Club be employed in any Racing Stable.

PART XXV.

Stakeholders' Fees.

Rules 179 to 183.

[*Not printed.*]

PART XXVI.

New Rules.

184. Every new Rule (in which term is included the repeal or alteration of an existing Rule) shall, except as allowed for under Rule 185,

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B.
English
Rules of
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(Extracts),
continued.

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 B.
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 1940—
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continued.

be introduced by resolution. Notice shall be given to the Keeper of the Match-book, who will acquaint Members of the resolution by circular not less than 14 days previous to the Meeting at which the resolution is to be considered.

. Resolutions on proposed new Rules may be considered at the First Spring, Second Spring, London Summer, First July, or Second July Meeting, and, if adopted by a majority of the Members present at the Meeting, shall be referred to the Rules Committee in conjunction with the proposer to draft a new or altered rule to carry out the decision of the Club. The rule so drafted shall be advertised three times in the Sheet 10 Calendar with the date of the Meeting of the Jockey Club at which it is to be proposed, and may then be submitted to the Club at the First October, Second October, or Houghton Meeting. If then passed, it must be confirmed at the London Winter Meeting of the Club, be twice published in the Sheet Calendar, and shall come into operation on the 1st of March following, unless urgency be declared by the Stewards on confirmation.

185. The Stewards (*in cases of emergency, or expediency*) may obtain leave from a Meeting of the Club to bring forward a new rule at any subsequent Meeting. Such rule shall be advertised in the Sheet Calendar, and be submitted to the Rules Committee before being brought forward for 20 discussion. Such new rule must be confirmed at a Meeting of the Club subsequent to that at which it is passed, and be then advertised in the Sheet Calendar. *It shall come into operation on 1st March following, unless urgency be declared by the Stewards before confirmation.*

NOTE.—This shall not prevent the Stewards of the Jockey Club from exercising the special powers which they have under Rule 17 for the modification or suspension of Rules and Regulations in cases of emergency.

PART XXVII.

JOCKEY CLUB ACCIDENT FUND.

Rules 1 to 12.

30

[*Not printed.*]

SCALE OF MAXIMUM BENEFITS.

[*Not printed.*]

NOTICES.

[*Not printed.*]

LIST OF MEMBERS OF THE JOCKEY CLUB, NEWMARKET, 1940.

[*Not printed.*]

D.1.

40

GENERAL RULES of Trinidad Turf Club.

INDEX.

[*Not printed.*]

D.1.
RULES of Trinidad Turf Club.

Exhibits.

D.1.
 General
 Rules of
 Trinidad
 Turf Club..

RULES.

1. The name of the Club shall be **THE TRINIDAD TURF CLUB.**
2. The Governor of Trinidad, for the time being, shall, if he consent, be the President of the Club.
3. In these Rules "the Committee" means the Committee of Management.
4. All the members of the Club (not being honorary members) shall
 10 be equally responsible for its liabilities as between themselves; and the property of the Club, subject to such liabilities, shall belong to the members for the time being.
5. No member shall, by reason of his being such, have any transmissible or assignable interest, by operation of law or otherwise, in any property of the Club. On any member ceasing by death, resignation, or otherwise to be such, all his interest shall survive, accrue and belong to the other members for the time being.
6. For membership to the Trinidad Turf Club each candidate shall be proposed in writing by five members of the Club. Notice of candidature
 20 must be given to the Secretary and by him forwarded to all members in the Colony by circular not less than fourteen days previous to the date on which the ballot is to take place.
 - (a) The election of members shall be by ballot; ten members at least shall vote and one black ball in five shall exclude.
 - (b) The ballot papers shall be opened and counted in the presence of, at least, two members of the Committee.
6. (2) For the duration of the war and until the first Annual General Meeting thereafter provided such meeting does not take place
 30 within three months of the termination of hostilities, the Club shall consist of not more than seventy-five members exclusive of life and honorary members.
 - (3) If, and so often as, the members of the Club (exclusive of life and honorary members) shall exceed sixty-nine in number no proposal for membership of a particular candidate shall be accepted unless and until it has been decided at a meeting of the Committee that such candidate will, if elected, be likely to further the interests of racing or materially assist in the management and control of the Club.
7. Life members and honorary members may be elected at any
 40 General Meeting of the Club.
 - (a) The entrance fee for each member shall be two hundred dollars payable on his election.
 - (b) Every member, on his election, shall be furnished with a copy of the Rules and requested to pay the amount of his entrance fee to the Secretary and Treasurer, whose receipt shall be sufficient proof of payment; and no one shall have any of the privileges of a member until he shall have paid the entrance fee. Unless the entrance fee is paid within fourteen days after notification, the election shall be null and void.

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D.1.
General
Rules of
Trinidad
Turf Club,
continued.

- (c) Every member, other than a life or honorary member, shall pay a yearly subscription of six dollars on or before the first of July in each year.

The Secretary shall notify all members whose subscriptions are unpaid by the 14th of July in each year; and any member whose subscription shall remain unpaid for fourteen days thereafter shall be liable to suspension.

Any member whose subscription is in arrears for two years or more may be notified that unless his arrears are paid within six weeks of the date of such notice his membership will be 10 cancelled.

If such member fails to pay the whole of his arrears pursuant to the terms of the last mentioned notice he shall at the expiration of such notice cease to be a member of the Club.

- (d) Members whose subscriptions are in arrears shall not be entitled to vote at any meeting.
8. (a) A member shall be entitled on each Race Day to such badges or tickets as will give free admission to two ladies to all stands and enclosures of the Club, with the exception of the Members' Stand. A member shall also be entitled to not more than four 20 reserved seats in the Members' section of the Grand Stand.
- (b) The Committee shall have power to elect to temporary honorary membership such persons, being visitors to the Colony, or distinguished citizens, as they may deem worthy of the honour. They may also issue complimentary tickets to such residents in the Colony as they may think fit.

9. The Annual General Meeting shall be held before the end of May in each year on such day as the Committee shall appoint; seven clear days' notice of such meeting shall be given in writing to each member.

10. The Committee may call a Special General Meeting of the Club 30 whenever they think it necessary, and the objects of such meeting and the time of holding the same shall be notified by the Secretary to each member seven days previous to such meeting, except in cases of emergency, when shorter notice may be given.

11. Upon a requisition being presented to the Secretary, signed by at least six members, of the Club, stating the questions in the form of Resolutions, intended to be brought forward, it shall be incumbent upon the Secretary to call a Special General Meeting of the Club to be held as soon as practicable, for the consideration and decision of such questions, and no question decided at such meeting shall be re-opened for six months. 40

12. Honorary Members shall not have the right of voting at meetings of the Club or for new members.

13. The Officers of the Club shall be :

- (a) Two Vice-Presidents who shall be ex-officio Stewards and members of Committee.
- (b) Four Stewards who shall be ex-officio members of Committee.
- (c) Four members of Committee.

One Vice-President, two Stewards and two members of Committee shall be elected at the Annual General Meeting for a term of two years.

Officers on retiring shall be eligible for re-election provided that Vice- 50 Presidents shall not act as such for more than two terms in succession.

The Stewards shall select three of their number to officiate at each meeting of the Trinidad Turf Club : any vacancy which may occur during a meeting shall be filled by one of the remaining Stewards.

Exhibits.

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General
Rules of
Trinidad
Turf Club,
continued.

14. (a) At any General Meeting ten members shall form a quorum.
 (b) In the absence of the President, a Vice-President shall preside at all General Meetings. In the absence of a Vice-President the meeting shall elect a Chairman.
 (c) At the Annual General Meeting one Vice-President, two Stewards and two Members of Committee and the Auditors for the ensuing year shall be elected.

10

In default of election the existing officers shall continue to serve.

- (d) All elections shall be by ballot of the members personally present and qualified to vote at the meeting.
 (e) Should any member elected decline to serve, his place shall be filled by the member obtaining at such meeting the next largest number of votes.

15. Should any Vice-President, Steward or member of the Committee die or resign, the remaining Vice-President, Stewards or members of the Committee, as the case may be, may nominate a member of the Club to fill his position for the balance of his term of office.

20

16. A Steward and a member of the Committee may appoint a deputy at any time, and in the absence of any Steward or Stewards or member or members of the Committee who have not appointed a deputy, the other Stewards or members of the Committee present may appoint some other member or members to act.

17. In addition to the powers conferred on them by the Rules of Racing of the Trinidad Turf Club, the Stewards have a discretionary power to warn any person off any premises belonging to, occupied by, or under the control of the Trinidad Turf Club, and in case of such notice being disregarded, to take legal proceedings against the offenders. In deciding any question the Stewards may call in any other member to their assistance, or if they think the importance or difficulty of the case requires such a course, to refer it to a General Meeting.

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18. The Committee shall meet from time to time as they may think expedient or when required by the Secretary, or upon the requisition of three of its members.

19. The Senior Vice-President or, in his absence, the Junior Vice-President shall be Chairman and shall preside over all Committee Meetings. Should both Vice-Presidents be absent, the members shall elect a Chairman. The Chairman shall be *ex-officio* a member of all Sub-Committees. Three members of the Committee shall form a quorum.

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(a) The Committee shall have complete management and control of, and shall deal with all questions affecting, the property of the Club.

(b) The Committee shall have full power to make and alter such regulations and orders as they think proper in regard to the Race Course, Paddock, Sweepstakes, Pari-Mutuels, Stands, and premises belonging to or under the control of the Club.

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20. The Committee shall have power to appoint all officers and servants of the Club and to pay them such remuneration as they may deem fit. They shall also regulate all fees payable for the use of premises belonging to or under control of the Club.

Exhibits.
 ———
 D.1.
 General
 Rules of
 Trinidad
 Turf Club,
continued.

21. The payment of any fee or other money shall not be taken to confer on the person paying the same any legal rights which shall interfere or be inconsistent with absolute possession by the Committee of the premises in respect of which it is paid, nor with the control which the Club now has over all persons using or going on to any premises belonging to, occupied by, or under the control of the Club.

22. At the Annual General Meeting of the Club the Committee shall present a duly audited account of the funds and disbursements of the Club made up to the 28th or 29th of February.

23. The Committee may appoint sub-committees with such power 10 as they shall think fit.

24. The Committee shall nominate three members of the Club to be the Trustees in whom shall be vested all the property other than money of the Club. The property so vested shall, however, be subject to the disposition of the Committee whose orders in writing signed by two members of the Committee and countersigned by the Secretary shall be binding upon and indemnify the Trustees for any act done by them in pursuance of such orders.

25. All moneys of the Club shall be placed to the account of the Trinidad Turf Club at some Bank doing business in Port-of-Spain. No 20 money shall be drawn from this account except by cheque signed by the Secretary and countersigned by two members of the Committee.

26. The Secretary and Treasurer shall receive all moneys payable to the Club and liquidate all expenditure authorised by the Committee. He shall make up the accounts when called upon by the Committee and shall produce the same to the Committee whenever required. The accounts shall be made up within a month of each Race Meeting.

27. The Committee of Management have authority to settle all questions relating to bets and to adjudicate on all cases of default and in their discretion to declare persons to be defaulters or guilty of malpractice. 30

28. If any member of the Club shall appear in the Forfeits List as a defaulter or be declared to be a defaulter for bets lost on horse racing, the Stewards shall cause notice to be sent to him that if his default be not cleared by a time to be stated in the notice, his name shall be erased from the list of members; and if at a General Meeting of the Club it shall be decided that a member of the Club has been guilty of conduct unbecoming a gentleman, or prejudicial to the interests or reputation of the Club, or if any member shall be convicted of fraudulent practices or connivance at fraudulent practices, his name shall at once be removed from the list of members. No such decision shall be effective unless notice containing 40 particulars of the charge against him shall have been posted to such member at least fourteen days before the General Meeting at which the motion is proposed, and unless the votes in favour of such motion against such member be in the ratio of at least three to two.

29. No member shall be absolved from the observance of the Rules of the Club upon the allegation of not being acquainted with, or not having received a copy of the same; and failure on the part of any member to comply with any Rule or Regulation of the Club may, in the discretion of the Committee, be treated as an offence for which he shall be liable to be brought before a General Meeting, with a view to his expulsion, as 50 provided by Rule.

30. No paid official shall bet.

31. Any Steward or other official having any interest in any horse racing at any meeting under the control or auspices of the Club shall at once notify the Committee of such interest.

32. These Rules or any other Rules hereafter made may be annulled, rescinded or varied and new Rules may be made at any General Meeting of the Club, provided fourteen days' notice of such proposed amendment, rescission or variation or of such new Rule shall have been given and circulated with the notice of the meeting.

10 33. When a motion has been carried at a General or Special Meeting of the Club it shall not be competent, at a subsequent meeting of the Club, to rescind such resolution so passed, upon a mere question of non-confirmation of the minutes ; but a special notice of motion shall in such a case be necessary.

20 34. The members of the Club may at any time hereafter by a majority of two-thirds of those present and voting at a General Meeting (notice of a resolution to that effect having been duly given) resolve that the Club be incorporated under the Companies' Ordinance, as a limited liability company for the purpose of promoting horse racing and other sport in this Colony, and with the intention of applying the profits, if any, or other income of the Company in promoting its objects and not in payment of any dividend or other profit to the members.

35. Any modification of these Rules, however, which may be deemed necessary for the purpose of enabling the proposed incorporation to be carried into effect shall be submitted to the Club in General Meeting either together with the proposal for incorporation or if more convenient at a Special General Meeting subsequently called for the purpose.

36. The Committee shall have power to do all such things as may be reasonably necessary to give effect to any such resolution as aforesaid.

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Rules of
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continued.

RULES of the Tobago Race Club.

LIST OF MEMBERS.

President :

Ernest C. Sealy

Vice-President :

Harold J. Kernahan

Hon. Secretaries :

A. Toby McIntosh

Frank L. Latour

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Committee of Management :

Messrs. E. Sealy, D. Clarke, St. Luce d'Abadie, E. C. Cross, T. H. Brinkley,
C. Crooks, and Dr. Geo. H. Clarke.

Stewards :

Messrs. St. Luce d'Abadie, H. R. Hamilton, E. Sealy, H. Meaden, and
Dr. Geo. H. Clarke

Dr. M. D. Lumsden, Messrs. John W. Pitcairn, M. Short, N. Blanc,
F. Lister, E. Tucker, A. Charles, T. Crosby, D. Best, E. C. Phillips,
C. Wildman, D. L. Yeates, I. B. Wilson, M. G. Makoul, J. S. Taylor,
V. Plagemann, A. Lassalle, J. A. John, I. A. Hope, M. Dias, C. de Nobriga, 20
E. E. Cross, W. Shaw, T. M. Joseph, R. S. Jordan, S. Hochoy, A. Latour,
Dr. A. Keogh, Samuel Sandy, Donald Clarke, G. E. Appleton, and
S. H. Borde

RULES OF THE TOBAGO RACE CLUB.

1.—The name of the Club shall be the "TOBAGO RACE CLUB," and
that of its Course, "SHIRVAN PARK."

2.—The object of the Club shall be the holding of Race Meetings at
least once each year at "Shirvan Park," and the improvement of Stock
Breeding, generally, in the Island of Tobago.

3.—The Trustees of the Club shall be Messrs. E. C. Sealy and A. T. 30
McIntosh, for life, or until resignation. In case of death or resignation of
one or both Trustees, the Committee of Management shall immediately
appoint a successor or successors also for life.

4.—The Patron of the Club shall be the Governor of the Island,
should he consent.

5.—The Club shall be managed by a Committee, to be known as the
Committee of Management, to consist of the President, Vice-President,
the two Secretaries, and five other members, all of whom shall be elected
by ballot at the Annual General Meeting. Four to form a quorum.

6.—The Annual General Meeting of the Club shall be held at a date in December of each year, to be fixed by the Committee of Management, seven days' notice in writing to be given to each member. The Committee of Management may call a Special General Meeting of the Club whenever they think it necessary. Each member shall be notified by the Secretary seven days before the meeting, of the object of such meeting, and the time and place of holding same.

Exhibits.
—
G.
Rules of
Tobago
Race Club,
continued.

10 Upon a requisition being presented to the Secretary signed by at least five members of the Club, stating the questions in form of resolutions intended to be brought forward, it shall be incumbent on the Secretaries to call a Special General Meeting to be held within fifteen days after the receipt of such requisition for the consideration and decision of such questions only, and no question decided at such meeting shall be reopened for six months or until the next Annual General Meeting. At all General Meetings, seven members shall form a quorum, and the President or Vice-President shall preside. In their absence a Chairman shall be appointed.

20 7.—Every candidate for admission to the Club shall be proposed by one member and seconded by another. His name, address, profession, or business, with names of his proposer and seconder, shall be forwarded to the Secretaries who shall in due course summon a meeting of the Committee of Management for the purpose of balloting for the member. The majority vote to carry.

30 Every member on his election shall be furnished with a copy of the Rules, and requested to pay to the Secretaries his entrance fee, or such portion of it as the Committee of Management may decide, and subscription for the current year, and their receipts shall be sufficient proof of such payment, and no one shall have any of the privileges of a member until he shall have complied with such request. Unless these payments be made within thirty days of the date of his election, the candidate's election shall be held to be void.

8.—The entrance fee to the Club shall be \$15.00 payable in one amount, or by instalments at the discretion of the Committee of Management, and the annual subscription shall be \$5.00, payable seven days before Race Day of the April Meeting of each year, and shall entitle members to two Ladies' Tickets at each meeting.

Members absent from the island for the whole of any year shall pay only 25% of the year's subscription, *i.e.*, \$1.25.

40 9.—If any member shall fail to pay his annual subscription at the time appointed, he shall not be entitled to the privileges of a member until his subscription is paid, and if his subscription shall remain unpaid for three months after it shall have become due, he shall, *ipso facto*, cease to be a member of the Club, but should he ask for reinstatement within two years, he may at the discretion of the Committee of Management be reinstated on his paying up all back subscriptions in the same way as if he had never defaulted.

50 10.—The Club shall have power at the Annual General Meeting to expel any member if his conduct shall be considered to have called for such a proceeding; provided always that no member shall be expelled unless notice in accordance with Rule 6 shall have been posted in the Grand Stand ten days before such General Meeting, at which time such

Exhibits.

G.

Rules of
Tobago
Race Club,
continued.

expulsion is proposed, and in case of a ballot the votes in favour of such expulsion shall be in the ratio of three to two.

11.—Any visitor to the island may, on the introduction of two members and by resolution of the Committee of Management, be elected a temporary member for a period not exceeding six months and shall pay a subscription of \$5.00.

12.—The Committee of Management shall have power to elect such persons as they think worthy of the privilege to be Honorary Members.

13.—All complaints or suggestions as to the management or other arrangements of the Club shall be made in the book kept at the Grand Stand for that purpose, or in writing through the Secretary to the Committee of Management, who shall consider same at their next meeting.

14.—Correct minutes of all meetings shall be taken by the Secretary in a book or books to be kept by him for that purpose.

15.—All monies due to the Club shall be paid to the Secretaries, whose receipt shall be sufficient discharge for same.

Proper books of account shall be kept by the Secretaries which shall be open to inspection by the Committee of Management or any member thereof at any time. The Secretary shall, once every year, post up in the Grand Stand a Statement, duly audited, showing all receipts and expenditure for the preceding year, and all outstanding liabilities and assets for the same period. He shall also submit to the Committee of Management, once every half-year, a list of all defaulting members.

16.—All property of the Club shall be vested in the Trustees for the time being.

Exhibits.

C.C.G.1.
Plaintiff's
Trainer's
Licence,
2nd
December
1943.

C.C.G.1.

PLAINTIFF'S TRAINER'S LICENCE.

No. 52

Port of Spain 2nd December 1943.

TRAINER'S LICENCE

RECEIVED FROM Dr. Cyril Gittens the sum of fifty dollars being a Trainer's Licence for the year ending 31st October 1944.

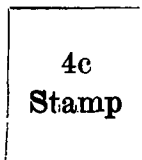
This Licence is issued subject to the rules, regulations and resolutions of the Trinidad Turf Club for the time being and may be withdrawn or suspended by the Stewards of that Club in their absolute discretion, and such withdrawal or suspension may be published in any local newspaper or newspapers, for any reason which may seem proper to such Stewards, and they shall not be bound to state their reasons.

TRINIDAD TURF CLUB

O. P. BENNETT,

Secretary. 40

\$50.00



C.C.G.2.

TOBAGO RACE CLUB OFFICIAL PROGRAMME, Spring Meeting, 1944.

TOBAGO RACE CLUB
OFFICIAL PROGRAMME

SPRING MEETING 1944

Under the distinguished patronage of His Excellency the Governor the
Hon. Sir Bede Clifford, K.C.M.G., C.B., M.V.O.

Exhibits.
C.C.G.2.

Tobago
Race Club
Official
Programme
Spring
Meeting,
1944.

FIRST DAY—THURSDAY, 2ND MARCH, 1944.

1ST. RACE 1.45 P.M. "PEASANTS"

10

THE PEASANTS' STAKES

About 5 Furs. Open to all horses bred and owned by Peasants in
the Ward of Tobago. Such horses to be maidens at the time of start
W.F.A. 1st Prize 150 dols. 2nd Prize 40 dols. 3rd Prize 20 dols.
Entrance fee 6 dols.

The Trinidad Turf Club will also present 40 dols. 15 dols. and 10 dols. to
the Breeders of the 1st, 2nd and 3rd horses respectively.

"A Peasant is a person making his living from Agriculture on land not
exceeding 25 acres in extent."

- 20
- 1 Mrs Irie Thomas' LADY GIFT 'G2'
h.b.ch.f. Bachelor's Tut—Lady Henry
Irie Thomas
 - 2 Mr P. Hackett's EASTER MORN 'G2'
h.b.b.c. Young Native—h.b. mare
D. Campbell
 - 3 Mr P. Hackett's SILVER NATIVE 'G2'
h.b.dk.b.c. Young Native—Silver Shot
Owner
 - 4 Mr G. D. Cowie's PARACHUTE 'G2'
h.b.h.m K. P. Lady Comet
W. C. Dottin
- 30
- 5 Mrs Ivy Belmar's EXPERIENCE 'G2' [late Terroplane]
h.b.ch.m. Bachelor's Tut—Silver Star
W. E. Belmar
 - 6 Mr F. McKenzie's TRY AGAIN 'G2'
h.b.ch.m. K. P.-h. b. mare
Owner

2ND. RACE 2.35 P.M. CLASS 'G2'

THE KERNAHAN MEM. STAKES

- 40
- About 5 Furs. Open to all horses Classified "G2" which are maidens
at the time of start W.F.A. 1st Prize 180 dols. 2nd Prize 50 dols.
3rd Prize 25 dols. Entrance fee 9 dols.

Exhibits.
 C.C.G.2.
 Tobago
 Race Club
 Official
 Programme
 Spring
 Meeting,
 1944,
continued.

The Trinidad Turf Club will also present 45 dols. 20 dols. and 10 dols. to the Breeders of the 1st, 2nd, and 3rd horses respectively.

- 1 Mr Steve Bennett's FLOWER GIRL ' G2 '
 h.b.b.m. Young Native-May Flower
 Owner
- 2 Mr Steve Bennett's BLACK MAGIC ' G2 '
 h.b.bk.f. Young Native-Lady Sly
 Owner
- 3 Major M. G. Greil's EXHIBITIONIST ' G2 '
 h.b.dk.b.m. Young Native-h.b. mare
 Steve Bennett 10
- 4 Mr Lewis de Nobriga's SHERWOOD ' G2 '
 h.b.ch.g. Restigouche-Marion
 Steve Bennett
- 5 Mr M. Alie's SPEAK EASY ' G2 '
 h.b.b.g. Young Native-Dutchess
 D. Campbell
- 6 Dr Cyril Gittens' SUN MAIDEN ' G2 '
 h.b.b.f. Sunwave-Merrymaiden
 Owner
- 7 Dr W. C. Dottin's CINDERELLA ' G2 '
 h.b.b.r.f. Young Native-Silver Slipper
 Owner 20
- 8 Mr C. Lloyd Trestrail's RESENTMENT ' G2 '
 h.b.b.f. K. P.-Dutchess
 H. V. M. Metivier

3RD. RACE 3.15 P.M. CLASS ' F '

THE FERNANDES CUP

About 6 Furs. Open to all horses Classified " F " & lower W.F.A.
 1st Prize 200 dols. and a Cup Presented by Messrs. Fernandes & Co.
 2nd Prize 55 dols. 3rd Prize 25 dols. Entrance fee 10 dols. 30
 The Trinidad Turf Club will also present 70 dols. 30 dols. and 20 dols. to the Breeders of the 1st, 2nd and 3rd horses respectively.

- 1 Mr Steve Bennett's TOM ' F '
 b.g. Tom Pearson-Vermeil
 Owner
- 2 Mr Sydney C. Aqui's CAPTAIN ' F2 '
 b. or br. g. Tom Pearson-Mermaid
 J. E. Leung
- 3 Dr Cyril Gittens' WHITSTABLE ' F2 '
 gr.g. Young Native or Nell Sweep-Haven
 Owner 40
- 4 Mrs Inez Rogers' HUNTER'S MOON ' F2 '
 ch.g. Bachelor's Tut-Barbara
 Edmund Rogers
- 5 Hon Geo. de. Nobriga's SKYLARK ' F '
 b.f. Restigouche-Skylaw
 H. V. M. Metivier

4TH. RACE 3.55 P.M. CLASS ' G '

THE WM. FOGARTY CUP

About 6 Furs. Open to all horses Classified " G " and lower W.F.A.
 1st Prize 180 dols. and a Cup Presented by Messrs. Wm. Fogarty Ltd.
 2nd Prize 50 dols. 3rd Prize 25 dols. Entrance fee 9 dols.
 The Trinidad Turf Club will also present 45 dols. 20 dols. and 10 dols. to
 the Breeders of the 1st, 2nd and 3rd horses respectively.

Exhibits.
 C.C.G.2.

Tobago
 Race Club
 Official
 Programme
 Spring
 Meeting,
 1944,
continued.

- 10
- 1 Mr S. Liddelov's DUSTY ' G2 '
 h.b.br.g. Bachelor's Tut-h.b. mare
 S. A. Arrindell
 - 2 Mr Steve Bennett's FLOWER GIRL ' G2 '
 h.b.b.m. Young Native-May Flower
 Owner
 - 3 Dr Cyril Gittens' TOMMY BOY ' G '
 h.b.b.g. Sunwave-Merry maiden
 Owner
 - 4 Mr D. C. Antoni's COQUETTE ' G2 '
 h.b.b.m. O. T. C.-Marionette
 Cecil Gittens
 - 20 5 Mrs Rebecca Young's LADY GASKIN ' G '
 h.b.ch.m. Daddy-May Day
 J. Henry
 - 6 Mr F. Caruth's EDUCATION ' G2 '
 h.b.dun.c. Young Native-Lady Recall
 D. Campbell

5TH. RACE 4.35 P.M. CLASS ' E '

THE GOVERNOR'S CUP

About 7 Furs. Open to all horses Classified " E " & lower W.F.A.
 1st Prize 300 dols. and a Cup presented by His Excellency the Governor.
 30 2nd Prize 75 dols. 3rd Prize 35 dols. Entrance fee 12 dols.
 The Trinidad Turf Club will also present 100 dols. 45 dols. and 20 dols.
 to the Breeders of the 1st, 2nd and 3rd horses respectively.

- 40
- 1 Dr Cyril Gittens' WHITSTABLE ' F2 '
 gr.g. Young Native or Nell Sweep-Haven
 Owner
 - 2 Mr Steve Bennett's TOM ' F '
 b.g. Tom Pearson-Vermeil
 Owner
 - 3 Mrs Inez Rogers' HUNTER'S MOON ' F2 '
 ch.g. Bachelor's Tut-Barbara
 Edmund Rogers
 - 4 Hon Geo. de Nobriga's SKYLARK ' F '
 b.f. Restigouche-Skylaw
 H. V. M. Metivier
 - 5 Hon Geo. de Nobriga's STREAMLINE ' E2 '
 b.m. Restigouche-Barbara
 H. V. M. Metivier

Exhibits.

C.C.G.2.
Tobago
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continued.

6TH. RACE 5.15 P.M. CLASS 'G2'

THE D'ABADIE MEM. HANDICAP

About 5 Furs. A Handicap open to all horses Classified "G2" which are maidens at the time of entry. 1st Prize 180 dols. 2nd Prize 50 dols. 3rd Prize 25 dols. Entrance fee 9 dols.

- 1 Mr Steve Bennett's BLACK MAGIC 'G2'
h.b.bk.f. Young Native-Lady Sly
Owner
- 2 Major M. G. Greil's EXHIBITIONIST 'G2'
h.b.dk.b.m. Young Native-h.b. mare
Steve Bennett 10
- 3 Mr Steve Bennett's FLOWER GIRL 'G2'
h.b.b.m. Young Native-May Flower
Owner
- 4 Mr M. Alie's SPEAK EASY 'G2'
h.b.b.g. Young Native-Dutchess
D. Campbell
- 5 Mr Lewis de Nobriga's SHERWOOD 'G2'
h.b.ch.g. Restigouche-Marion
Steve Bennett 20
- 6 Dr W. C. Dottin's CINDERELLA 'G2'
h.b.b.r.f. Young Native-Silver Slipper
Owner
- 7 Dr Cyril Gittens' SUN MAIDEN 'G2'
h.b.b.f. Sunwave-Merrymaiden
Owner
- 8 Mr P. Hackett's EASTER MORN 'G2'
h.b.b.c. Young Native-h.b. mare
D. Campbell
- 9 Mr P. Hackett's SILVER NATIVE 'G2'
h.b.dk.b.c. Young Native-Silver Shot
Owner 30
- 10 Mr F. McKenzie's TRY AGAIN 'G2'
h.b.ch.n. K. P.-h.b. mare
Owner
- 11 Mr C. Lloyd Trestrail's RESENTMENT 'G2'
h.b.b.f. K. P.-Dutchess
H. V. M. Metivier

7TH. RACE 5.50 P.M. CLASS 'F'

THE SHIRVAN HANDICAP

40

About 5 Furs. A Handicap open to all horses Classified "F" and lower. 1st Prize 200 dols. 2nd Prize 55 dols. 3rd Prize 25 dols. Entrance fee 10 dols.

- 1 Hon. Geo. de Nobriga's SKYLARK 'F'
b.f. Restigouche-Skylaw
H. V. M. Metivier

- | | | | | |
|----|---|---------------------------------------|--|--|
| | 2 | Mrs Inez Rogers' HUNTER'S MOON ' F2 ' | ch.g. Bachelor's Tut-Barbara
Edmund Rogers | <i>Exhibits.</i>
C.C.G.2.
<hr/> Tobago
Race Club
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1944,
<i>continued.</i> |
| | 3 | Mr F. Caruth's EDUCATION ' G2 ' | h.b.dun.c. Young Native-Lady Recall
D. Campbell | |
| | 4 | Mrs Rebecca Young's LADY GASKIN ' G ' | h.b.ch.m. Daddy-May Day
J. Henry | |
| 10 | 5 | Dr Cyril Gittens' WHITSTABLE ' F2 ' | gr.g. Young Native or Nell Sweep-Haven
Owner | |
| | 6 | Dr Cyril Gittens' TOMMY BOY ' G ' | h.b.b.g. Sunwave-Merry maiden
Owner | |
| | 7 | Mr Sydney C. Aquil's CAPTAIN ' F2 ' | b. or br. g. Tom Pearson-Mermaid
J. E. Leung | |
| 20 | 8 | Mr Steve Bennett's TOM ' F ' | b.g. Tom Pearson-Vermeil
Owner | |

SECOND DAY—SATURDAY, 4TH MARCH, 1944.

8TH. RACE 1.45 P.M. CLASS ' G '

THE SEALY MEM. HANDICAP

About 6 Furs. A Handicap open to all horses Classified " G " and lower. 1st Prize 180 dols. 2nd Prize 50. 3rd Prize 25 dols. Entrance fee 9 dols.

- | | | | |
|----|---|--|---|
| 30 | 1 | Major M. G. Greil's EXHIBITIONIST ' G2 ' | h.b.dk.b.m. Young Native-h.b. mare
Steve Bennett |
| | 2 | Mr Lewis de Nobriga's SHERWOOD ' G2 ' | h.b.ch.g. Restigouche-Marion
Steve Bennett |
| | 3 | Mr M. Elie's SPEAK EASY ' G2 ' | h.b.b.g. Young Native-Dutchess
D. Campbell |
| | 4 | Mr Steve Bennett's FLOWER GIRL ' G2 ' | h.b.b.m. Young Native-May Flower
Owner |
| 40 | 5 | Mr F. Caruth's EDUCATION ' G2 ' | h.b.dun.c. Young Native-Lady Recall
D. Campbell |
| | 6 | Mr S. Liddelow's DUSTY ' G2 ' | h.b.br.g. Bachelor's Tut-h.b. mare
S. A. Arrindell |
| | 7 | Dr Cyril Gittens' TOMMY BOY ' G ' | h.b.b.g. Sunwave-Merry maiden
Owner |
| 50 | 8 | Dr Cyril Gittens' SUN MAIDEN ' G2 ' | h.b.b.f. Sunwave-Merrymaiden
Owner |

Exhibits.
C.C.G.2.

Tobago
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1944,
continued.

- 9 Mr D. C. Antoni's COQUETTE 'G2'
h.b.b.m. O. T. C.—Marionette
Cecil Gittens
- 10 Mrs Rebecca Young's LADY GASKIN 'G'
h.b.ch.m. Daddy—May Day
J. Henry

9TH. RACE 2.35 P.M. 'PEASANTS'

THE PEASANTS' HANDICAP

About 5 Furs. A Handicap open to all horses bred and owned by Peasants in the Ward of Tobago. 10
Such horses to be maidens at the time of entry. 1st Prize 150 dols.
2nd Prize 40 dols. 3rd Prize 20 dols. Entrance fee 6 dols.

- 1 Mr P. Hackett's EASTER MORN 'G2'
h.b.b.c. Young Native—h.b. mare
D. Campbell
- 2 Mrs Irie Thomas' LADY GIFT 'G2'
h.b.ch.f. Bachelor's Tut—Lady Henry
Irie Thomas
- 3 Mr G. D. Cowie's PARACHUTE 'G2'
h.b.b.m. K. P.—Lady Comet 20
W. C. Dottin
- 4 Mr P. Hackett's SILVER NATIVE 'G2'
h.b.dk.b.c. Young Native—Silver Shot
Owner
- 5 Mr F. MacKenzie's TRY AGAIN 'G2'
h.b.ch.m. K. P.—h.b. mare
Owner
- 6 Mrs Ivy Belmar's EXPERIENCE 'G2' [late Terroplane]
h.b.ch.m. Bachelor's Tut—Silver Star
W. E. Belmar 30

10TH. RACE 3.15 P.M. CLASS 'F'

THE CLARKE MEM. HANDICAP

About 6 Furs. A Handicap open to all horses Classified 'F' and lower. 1st Prize 200 dols. 2nd Prize 55 dols. 3rd Prize 25 dols.
Entrance fee 10 dols.

- 1 Mr Sydney C. Aqui's CAPTAIN 'F2'
b. or br. g. Tom Pearson—Mermaid
J. E. Leung
- 2 Dr Cyril Gittens' WHITSTABLE 'F2'
gr.g. Young Native or Nell Sweep—Haven 40
Owner
- 3 Hon Geo. de Nobriga's SKYLARK 'F'
b.f. Restigouche—Skylaw
H. V. M. Metivier
- 4 Mr Steve Bennett's TOM 'F'
b.g. Tom Pearson—Vermeil
Owner
- 5 Mrs Inez Rogers' HUNTER'S MOON 'F2'
ch.g. Bachelor's Tut—Barbara
Edmund Rogers 50

11TH. RACE 3.55 P.M. CLASS 'E'

THE LOWLANDS HANDICAP

About 6 Furs. A Handicap open to all horses Classified 'E' and lower. 1st Prize 250 dols. 2nd Prize 60 dols. 3rd Prize 30 dols. Entrance fee 12 dols.

- 1 Mrs Inez Rogers' HUNTER'S MOON 'F2'
ch.g. Bachelor's Tut-Barbara
Edmund Rogers
- 10 2 Hon Geo. de Nobriga's SKYLARK 'F'
b.f. Restigouche-Skylaw
H. V. M. Metivier
- 3 Hon Geo. de Nobriga's STREAMLINE 'E2'
b.m. Restigouche-Barbara
H. V. M. Metivier
- 4 Dr Cyril Gittens' WHITSTABLE 'F2'
gr.g. Young Native or Nell Sweep-Haven
Owner
- 5 Mr Sydney C. Aqui's CAPTAIN 'F2'
b. or br. g. Tom Pearson-Mermaid
20 J. E. Leung
- 6 Mr Steve Bennett's TOM 'F'
b.g. Tom Pearson-Vermeil
Owner

12TH RACE 4.35 P.M. CLASS 'G'

THE BON ACCORD HANDICAP

About 5 Furs. A Handicap open to all horses Classified 'G' and lower. 1st Prize 180 dols. 2nd Prize 50 dols. 3rd Prize 25 dols. Entrance fee 9 dols.

- 1 Dr Cyril Gittens' TOMMY BOY 'G'
30 h.b.b.g. Sunwave-Merry maiden
Owner
- 2 Mr S. Liddelow's DUSTY 'G2'
h.b.br.g. Bachelor's Tut-h.b. mare
S. A. Arrindell
- 3 Dr Cyril Gittens' SUN MAIDEN 'G2'
h.b.b.f. Sunwave-Merrymaiden
Owner
- 4 Mr F. Caruth's EDUCATION 'G2'
40 h.b.dun.c. Young Native-Lady Recall
D. Campbell
- 5 Mr Steve Bennett's FLOWER GIRL 'G2'
h.b.b.m. Young Native-May Flower
Owner
- 6 Mr. D. C. Antoni's COQUETTE 'G2'
h.b.b.m. O. T. C.-Marionette
Cecil Gittens
- 7 Mrs Rebecca Young's LADY GASKIN 'G'
h.b.ch.m. Daddy-May Day
J. Henry

Exhibits.
C.C.G.2.

Tobago
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Exhibits.
C.C.G.2.

13TH. RACE 5.15 P.M. CLASS 'G2'

THE BURLEIGH CASTLE HANDICAP

Tobago
Race Club
Official
Programme
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Meeting,
1944,
continued.

About 5 Furs. A Handicap open to all horses Classified 'G2' which are maidens at the time of entry. 1st Prize 180 dols. 2nd Prize 50 dols. 3rd Prize 25 dols. Entrance fee 9 dols.

- | | | |
|----|--|----|
| 1 | Mr Lewis de Nobriga's SHERWOOD 'G2'
h.b.ch.g. Restigouche-Marion
Steve Bennett | |
| 2 | Dr Cyril Gittens' SUN MAIDEN 'G2'
h.b.b.f. Sunwave-Merrymaiden
Owner | 10 |
| 3 | Mr Steve Bennett's BLACK MAGIC 'G2'
h.b.bk.f. Young Native-Lady Sly
Owner | |
| 4 | Major M. G. Greil's EXHIBITIONIST 'G2'
h.b.dk.b.m. Young Native-h.b. mare
Steve Bennett | |
| 5 | Mrs Irie Thomas' LADY GIFT 'G2'
h.b.ch.f. Bachelor's Tut-Lady Henry
Irie Thomas | 20 |
| 6 | Mr Steve Bennett's FLOWER GIRL 'G2'
h.b.b.m. Young Native-May Flower
Owner | |
| 7 | Mr M. Alie's SPEAK EASY 'G2'
h.b.b.g. Young Native-Dutchess
D. Campbell | |
| 8 | Dr W. C. Dottin's CINDERELLA 'G2'
h.b.b.r.f. Young Native-Silver Slipper
Owner | |
| 9 | Mr P. Hackett's EASTER MORN 'G2'
h.b.b.c. Young Native-h.b. mare
D. Campbell | 30 |
| 10 | Mr P. Hackett's SILVER NATIVE 'G2'
h.b.dk.b.c. Young Native-Silver Shot
Owner | |
| 11 | Mr G. D. Cowie's PARACHUTE 'G2'
h.b.b.m. K. P.-Lady Comet
W. C. Dottin | |
| 12 | Mrs Ivy Belmar's EXPERIENCE 'G2' [late Terroplane]
h.b.ch.m. Bachelor's Tut-Silver Star
W. E. Belmar | 40 |
| 13 | Mr F. McKenzie's TRY AGAIN 'G2'
h.b.ch.m. K. P.-h.b. mare
Owner | |
| 14 | Mr C. Lloyd Trestrail's RESENTMENT 'G2'
h.b.b.f. K. P.-Dutchess
H. V. M. Metivier | |

14TH. RACE 5.50 P.M. CLASS ' E '

THE TOBAGO RACE CLUB HANDICAP

About 5 Furs. A Handicap open to all horses Classified ' E ' and lower. 1st Prize 250 dols. 2nd Prize 60 dols. 3rd Prize 30 dols. Entrance fee 12 dols.

Exhibits.
C.C.G.2.

Tobago
Race Club
Official
Programme
Spring
Meeting,
1944,
continued.

- 10 4 Mr Sydney C. Aqui's CAPTAIN ' F2 '
b. or br. g. Tom Pearson-Mermaid
J. E. Leung
- 5 Mr Steve Bennett's TOM ' F '
b.g. Tom Pearson-Vermeil
Owner
- 6 Dr Cyril Gittens' WHITSTABLE ' F2 '
gr.g. Young Native or Nell Sweep-Haven
Owner
- 7 Mrs Inez Rogers' HUNTER'S MOON ' F2 '
ch.g. Bachelor's Tut-Barbara
Edmund Rogers
- 20 8 Hon Geo. de Nobriga's STREAMLINE ' E2 '
b.m. Restigouche-Barbara
H. V. M. Metivier
- 9 Hon Geo. de. Nobriga's SKYLARK ' F '
b.f. Restigouche-Skylaw
H. V. M. Metivier

- 1 All horses are entered subject to the Rules and Regulations of the Trinidad Turf Club.
- 2 Entries close on Thursday 10th February 1944 at 2 p.m. at the Trinidad Turf Club Office 39 Marine Square Port-of-Spain. At the time of entry the owner must declare the name of his trainer.
- 30 3 In the event of less than 3 horses entering in any race, it will be declared null and void.
- 4 Horses racing in classes higher than their own shall be allowed their Sub-Class allowance of 5 lbs. in addition to the 10 lbs. for each higher class.
- 5 Classification allowances shall only be granted when meeting a horse of a higher class and shall not be accumulative to the extent of more than 15 lbs.
- 6 Horses intending to start in a race must be in the Paddock at least 1 hour and in the saddling stalls 30 minutes before the time appointed for the race.
- 40 7 Those who wish to apply for Classification must do so at least one week before the closing date for entries.
- 8 Horses entered and not starting will get half entry refunded.
- 9 Owing to war conditions only Token Trophies will be given. The value of the Trophy in each case will be donated to a Trinidad War Fund nominated by the winning owner.
- 10 Copies of this Programme will be available at the T.T.C. Office P.O.S. & T.R.C. Office Tobago.

For further particulars apply to A. TOBY Mc.INTOSH Hon. Sec.

Exhibits.

C.1.

LETTER from Chemist to Secretary, Turf Club, with two reports of Saliva tests.

C.1.
Letter from
Chemist to
Secretary,
Turf Club,
with two
reports of
Saliva
tests,
10th March
1944.

Government Chemist Department.
Trinidad, B.W.I.

10th March, 1944.

The Secretary,
Trinidad Turf Club,
39 Marine Square,
Port-of-Spain.

Dear Sir,

10

With reference to your letter of the 4th instant I attach hereto two certificates giving the results of the analysis of the swabs of saliva in connection with the Tobago Races of the 2nd and 4th of March.

2. I also forward a Deposit Voucher for \$40.00 being fee payable at the Treasury for these analyses.

3. Will you please let me know when I can dispose of remaining swabs and prepare the jars for use in connection with further analyses.

Yours faithfully,

L. S. DAVIS,

Government Chemist. 20

 Enclosure to C.1.

Government Chemist's Department.
Government Laboratory,
Trinidad, B.W.I.

10th March, 1944.

Registered No. 52 U.C.

Date Received 4.3.44.

REPORT

Sample of Horse saliva for dope.

Received from The Secretary, Trinidad Turf Club.

30

A careful analysis of a composite sample of seven swabs of saliva taken from each winning horse of races one to seven on the first day of the Tobago Races on the 2nd March 1944 fails to reveal the presence of alkaloidal or other substance which if given to racehorses would stimulate them temporarily and increase their speed.

L. S. DAVIS,

Government Chemist.

Enclosure to C.1.
 Government Chemist's Department.
 Government Laboratory,
 Trinidad, B.W.I.

10th March 1944.

Registered No. 53 U.C.

Date received 6.3.44.

REPORT

Sample of Horse saliva for dope.

10 Received from The Secretary, Trinidad Turf Club.

A careful analysis of a composite sample of seven swabs of saliva taken from each winning horse of races eight to fourteen on the second day of the Tobago races on the 4th March 1944 fails to reveal the presence of alkaloidal or other substance which if given to racehorses would stimulate them temporarily and increase their speed.

L. S. DAVIS,
 Government Chemist.

Exhibits.
 C.1.
 Letter from
 Chemist to
 Secretary,
 Turf Club,
 with two
 reports of
 Saliva
 tests,
 10th March
 1944,
continued.

C.2.

LETTER from Secretary, Turf Club, to Chemist.

14th March 1944.

20

L. S. Davis, Esq.,
 Government Chemist,
 Government Chemist Department,
 City.

C.2.
 Letter from
 Secretary,
 Turf Club,
 to Chemist,
 14th March
 1944.

Dear Sir,

I beg to acknowledge receipt of your letter of 10th March 1944 with two certificates giving the results of the analyses of the swabs of saliva in connection with the Tobago Races of the 2nd and 4th March 1944, with Deposit Voucher for \$40 which we have to-day deposited at the Treasury.

30

The remaining swabs are not wanted by my club and it will be quite in order to prepare the jars for use in connection with further analyses.

Yours Faithfully,

O. P. B.,
 Secretary.

Exhibits:

C.3.

LETTER from Chemist to Secretary, Turf Club.

C.3.
Letter from
Chemist to
Secretary,
Turf Club,
18th April
1944.

No. 122.

Government Chemist's Department.
Trinidad, B.W.I.

18th April, 1944.

The Secretary,
Trinidad Turf Club,
39 Marine Square,
Port of Spain.

TRINIDAD TURF CLUB
Received 19.4.1944
Opened by O.P.B.
Answered.....
Filed.....
Remarks

10

Dear Sir,

With reference to my letter No. 87 dated 10th March 1944 forwarding two reports on composite samples of saliva taken on the two days of the last race meeting held in Tobago on 2nd and 4th March, I have to inform you that as I was not quite satisfied that one of the tests applied to the extracts had given definite negative results I decided to carry out further investigations by mixing the saliva samples of those horses which had won more than one race and carrying out separate analyses in the following manner :—

20

Sample No. 1 consisted of 6 saliva swabs from Hunters Moon winner of races 5, 7 and 10.

Sample No. 2 consisted of 6 saliva swabs from Sun Maiden winner of races 2, 6 and 13.

Sample No. 3 consisted of 4 saliva swabs from Tommy Boy winner of races 8 and 12.

Sample No. 4 consisted of 4 saliva swabs from Silver Native winner of races 1 and 8.

No other horses won more than one race at the meeting. Originally each sample comprised 3 swabs, one of which was taken from each bottle to form the original composite sample previously analysed.

30

2. A careful analysis on these four samples resulted in negative results being obtained from samples No. 2 (Sun Maiden) and No. 4 (Silver Native) respectively, and evidence of the presence of Heroin was obtained from samples No. 1 (Hunters Moon) and No. 3 (Tommy Boy) respectively.

3. Chemically heroin is diacetyl morphine. It is a powerful narcotic poisonous drug the effects of which on horses should be ascertained from the Veterinary Surgeon of the Club.

Yours faithfully,

L. A. DAVIS,
Government Chemist.

40



C.4.

LETTER from Secretary, Turf Club, to Plaintiff.

Trinidad Turf Club.

Cable Address :
" Trinturf."

39, Marine Square,
Port of Spain,
Trinidad, B.W.I.

P.O. Box 9.

Telephone 4417.

21st April, 1944.

Cyril Gittens, Esq.,

Owner and Trainer of the Racehorse " Tommy Boy."

Exhibits.

C.4

Letter from
Secretary,
Turf Club,
to Plaintiff,
21st April
1944.

10 Sir,

I am instructed by the Stewards of the Trinidad Turf Club to inform you that it has been reported to them by the Analyst that evidence of the presence of heroin has been discovered by him in the swabs of saliva taken from the horse " Tommy Boy " at the Tobago Races held in March, 1944.

In view of this the Stewards have decided to hold an enquiry into the matter at the Club's Office at 3 p.m. on Tuesday, the 25th instant. I am to request your attendance at this enquiry.

Yours faithfully,

O. P. BENNETT,

Secretary.

20

C.5.

LETTER from Plaintiff to Secretary, Turf Club.

Cyril C. Gittens, D.D.S.
Cecil L. Gittens, D.D.S.
Telephone 4931.

31, Frederick Street,
Port of Spain,
Trinidad, B.W.I.

24th April 1944.

O. P. Bennett, Esq.,
Secretary,
T. T. C.

Exhibits.

C.5.

Letter from
Plaintiff to
Secretary,
Turf Club,
24th April
1944.

30 Sir,

I am in receipt of yours of the 21st inst.

In order that I may be of assistance at the enquiry I request that I be informed in what Swab it is alleged that " Heroin " was found in the Saliva of " Tommy Boy " as two swabs were taken in Tobago.

I request also that I be given a copy of the Analyst report, as early as possible to-day, and further, that the Clerk of the paddock who had charge of the horses on Race days at Tobago be present at the enquiry.

Yours faithfully,

CYRIL C. GITTENS.

40

TRINIDAD TURF CLUB
Received 24th April, 1944
Opened by O. P. Bennett
Answered
Filed
Remarks

Exhibits.

C.6.

LETTER from Secretary, Turf Club, to Plaintiff.

C.6.
Letter from
Secretary,
Turf Club,
to Plaintiff,
24th April
1944.

Trinidad Turf Club.
Cable Address : 39, Marine Square,
" Trinturf." Port of Spain,
P.O. Box 9. Trinidad, B.W.I.
Telephone 4417. 24th April, 1944.

Dr. Cyril C. Gittens, D.D.S.,
31 Frederick Street,
Port of Spain.

10

Sir,

In reply to your letter of the 24th instant, I have to state that the Analyst will be present at the enquiry and that you may then ask him any questions you may desire.

If after hearing his evidence you desire the enquiry to be adjourned an application in that behalf will be considered by the Stewards.

I shall endeavour to secure the attendance of the Clerk of the Paddock also.

The request that you be present to-morrow still holds good.

Yours faithfully,

20

O. P. BENNETT,
Secretary.

Exhibits.

F.2.

NOTES taken by Mr. Child at Enquiry before Stewards of the Trinidad Turf Club.

F.2.
Notes taken
by
Mr. Child at
enquiry
before
Stewards
of the
Trinidad
Turf Club.
3 p.m.

MR. C. A. CHILD'S NOTES—GITTENS.

25th April, 1944.

Enquiry arising out of a report by Government Chemist as to analysis of swabs taken from saliva of " Tommy Boy " at Tobago Race Meeting.

Present :—O'Reilly, Child, de Nobriga, Liddelov and L. Trestrail
Stewards
& O. P. Bennett, Secretary.

30

L. G. Davis, Government Analyst attends.

Dr. Cyril Gittens enters.

O'Reilly : We are about to commence an enquiry into tests of saliva taken at Tobago from " Tommy Boy."

Dr. Gittens applies for Counsel in view of the fact it is a very important matter to be decided—Butt instructed by Inniss.

1st day Races 4 & 7 *O'Reilly* : You are entitled to be fully heard. Stewards agree. It is a domestic enquiry not a public one. Butt and Inniss appear.

2nd day Races 8 & 12 *O'Reilly* : We are holding enquiry arising out of report of Davis re " Tommy Boy." We are anxious Gittens to have full opportunity of being heard—he and his witnesses. 40

Butt : Two of the Stewards, de Nobriga and Liddelow are not on speaking terms with Gittens—they should not sit on enquiry. Relations are strained. They retire—de Nobriga and Liddelow say Gittens has been rude to them but they had no personal bias against him. Stewards decide all may sit.

O'Reilly to Butt : We have considered matter—both Stewards inform us Gittens has been on occasions rude to them but they have no feeling or bias against Dr. Gittens.

Butt : I am satisfied Stewards in question are quite bona fide.

10 *O'Reilly* : Story starts like this : Swabs taken at Tobago races. First time it was done. Copy cable to Hatt on 4th March 1944. Copy letter Hatt to Davis on 4th March 1944.

Swab taken—sealed—signed by Trainer and Vety. officer. Remains in O. P. Bennett's possession—taken to Airways—sent to Hatt—Hatt to Davis.

Letter 10th March 1944 from Davis to O. P. Bennett 1st day.

Letter 10th March 1944 from Davis to O. P. Bennett 2nd day.

O. P. Bennett's letter 14th March to Davis.

20 On 18th April we get letter from Davis 4 Saliva swabs from "Tommy Boy" winner 2 races 8 and 12. Evidence of presence of heroin in swabs from "Tommy Boy."

O. P. Bennett : Secretary Trinidad Turf Club. I was in Tobago at March meeting on 2nd and 4th March 1944. It is habit of Stewards of Trinidad Turf Club at races in Trinidad to take swabs of saliva of horses. Club's Vet. takes two swabs from saliva of winning horse. In Port of Spain it is taken in presence of owner and trainer. It is taken as soon as horse is unsaddled. Jars are closed but not sealed in Port of Spain—screwed down. A label is put inside signed by owner or trainer. I keep them and give them straight to Government Analyst.

30 In Tobago swabs not taken prior to this meeting. The swabs were taken at Tobago at March Meeting on decision of Stewards of Trinidad Turf Club.

On 2nd March Dr. des Iles took the swabs and I was present. No swabs were taken from "Tommy Boy" on that day because he was not a winner. On 1st day I gave Hatt instructions to get saliva to Analyst.

40 On 4th March Dr. Donald Clarke and Dr. des Iles took the samples. They were handed to me at Stewards' box. All the samples were in order and sealed with a paper tag put over cover signed by Trainer. "Tommy Boy" won two races. There were two sets of swabs taken and put into two separate bottles properly sealed and signed by Dr. Gittens the trainer and owner of "Tommy Boy." I kept possession of them, brought them to Trinidad and delivered them to Government Analyst on March 6th. They were all intact. I received Analyst's reports on 10th March and 18th April.

Judge's Book : First race of 2nd day—Race No. 8—won by "Tommy Boy" 3 lengths 1.19 1/5—6 furs.—carried 135 lbs. G. class.

Also won 5th race (No. 12) by 2 lengths Time 1.06 4/5—145 lbs.—5 furs.—G. class.

50 *Dr. Gittens* : "Tommy Boy" is 9 years old—won many races—6 years ago won Derby.

Exhibits.

F.2.

Notes taken by Mr. Child at enquiry before Stewards of the Trinidad Turf Club, continued.

Exhibits.
 F.2.
 Notes taken
 by
 Mr. Child at
 enquiry
 before
 Stewards
 of the
 Trinidad
 Turf Club,
continued.

I don't know what stables "Tommy Boy" was in. Stables face S. & E. Dr. Gittens has 3 horses there. Dr. Gittens looks after his animals. It is his usual practice. He was doing so at this meeting. Five firsts 2 seconds and 5 thirds since March 1943 won by "Tommy Boy" including Tobago but not Union Park.

To Butt : "Tommy Boy" ran on 1st day in Race 4—carrying 135 lbs. over 6 furs. and was 2nd to "Coquette" who carried 115 lbs. G. Class.

It ran in 7th race F. class—It carried 115 lbs. and did not place.

On 2nd day 8th race it carried 135 lbs. over 6 furs. and won—"Coquette" carried 132 lbs. and was 2nd G. Class. 10

12th race—5 furs.—G.—145 lbs. won "Coquette" 134 lbs. was 3rd "Dusty" III.

Dr. Gittens won 3 races ; on 1st day with "Sun Maiden" won 2 races and 1 on 2nd day.

Dr. Gittens was present on first day when swabs were taken on the 1st day.

Horses were delivered to Club Officials one hour before start of day's meeting. They were in their own stalls. Grooms, trainer and owner not allowed into stall—They have no access one hour before race starts except by authority of official. This is routine at all racing clubs. You are not allowed to go into stall for one hour before start of particular race—not before start of day's racing. You have free access in open to horse after it has run. 20

Butt : I suggest at Tobago no access allowed after start of day.

On 2nd day some one acted for J. Clarke as Clerk of Paddock—Cable says Albert Waith and Percy des Iles acted on 2nd day as Clerk of Paddock. I received swabs on 2nd day from Donald Clark in Steward's box. I never left the Steward's box on that day and swabs were there the whole time. They were already sealed when they were taken to me—They were intact when I handed them to Davis. I did not ask Davis where swabs were. 30
 The bottles were kept by Davis.

Time 1.19 1/5 normal and 1-6 4/5—Paul was jockey on each occasion. He is regular rider of "Tommy Boy."

C. L. Davis : I am a Government Analyst—not official of Trinidad Turf Club—I have for some time been analysing swabs of saliva taken for Trinidad Turf Club. As regards Tobago Meeting I was not there. I got swabs on 4th and 6th March. On 4th for 1st day's races and 6th for 2nd day's races. Steve Bennett delivered jars with swabs on 6th March (O.P.B. agrees). These swabs were sealed—They had strips of paper over them. They were gummed to bottles. They were intact when I received them. 40
 I then wrote letter of 10th March with these 2 Certificates. Results of test were negative as a result of analysis of composite sample. In each bottle 3 swabs. I took 1 swab from each bottle, mixed them together and did analysis on that. Result negative. On 18th April I sent another letter. I took swabs of "Tommy Boy" taken on races 8 and 12—I found evidence of presence of heroin. I was not quite satisfied that one of tests of composite swabs was negative.

One of tests is addition of Marques' reagent. It should have been negative whereas it gave a slightly violet colour changing to bluish grey. The reaction was a very weak one but enough to create a doubt in my 50
 mind because bearing in mind only one swab taken from each bottle. I

concluded if I had more material to work on I might get better results. If positive, you get strong violet changing to purple and then bluish colour. I do drug alongside sample and so get comparison. If no heroin you get no colour at all.

Exhibits.

F.2.

Notes taken
by
Mr. Child at
enquiry
before
Stewards
of the
Trinidad
Turf Club,
continued.

10 Further I am very familiar with reaction of Marques' reagent on opium. Heroin is diacetyl morphine—so I said it looks as if opium or something like it. The result of Marques' reagent test in first test created suspicion. It was left up in air pending further investigation. I am very busy and did not have opportunity of examining swabs for some time. I kept swabs in my iron safe. So from time opened till 2nd test they were in my safe.

Field telephoned me for bottles and I decided to work on bottles on 5th April. I started on 2nd analysis. I decided to combine swabs of particular horses. I took the four swabs from the 2 bottles of "Tommy Boy" said to be taken on 2nd day of the races, mixed them together and did analysis on the 4 swabs. I got positive reactions with phosphomolybdic acid and Marques' reagent. They gave preceprecitate. This meant there was an alkaloid present. No alkaloid in normal way. I then identified heroin with the Marques' reagent. It gave this time the typical colour. 20 It did it alongside morphine and heroin. I did other tests and satisfied myself heroin was present. I estimate it at being not more than 1 milligram. I cannot say if it would represent heavy or light dose of heroin. The seals on both these bottles were intact. I had to break the papers.

Xxd. Butt : Swabs were cotton wool swabs. Practice is to allow horse to chew on swabs. They have acetic acid to lead to salivation. I found result on the 6th April. I reported on the 18th. Tests were finished. *I waited so as to see what results of Union Park swabs would be.* I waited to see if I would get anything analogous from Union Park.

30 First analysis I mixed swabs 1st day and 2nd day. The 2nd day raised my suspicions. The 1st day I have—a vague suspicion.

I have a record of the tests made. I have it now. I am not inclined to produce it. I record my findings on a sheet of paper and I write these notes for my own purposes. They are often not understood. I will not produce them. I realised result might have serious consequences for somebody else.

The residue of swabs is all used up. Not a drop remains for testing by someone else.

40 The bottles were used at Union Park. I did not put them aside. I washed them out with alcohol. I washed them out so as to get all the material I could for my test. Nil left after my tests. I finally added sulphuric acid and it turned this pink.

Nothing careless about my first report. I had failed to find alkaloid. I had a suspicion merely. I had to report composite sample as negative. I would not report suspicion.

All the tests on composite set—3 referred to above—also concentrated sulphuric, Phosphomolybdic, Meyers, Marques, Nitric, Mandelions reagent, Ferric Chloride, Meake re-agent.

50 Marques gave me suspicious reaction on 1st test. I think phosphomolybdic but that is not necessarily for heroin.

Tests for morphine and heroin are very much allied. Phosphomolybdic and Meyers revealed alkaloid. Then Marques followed by Meake

Exhibits.
 F.2.
 Notes taken
 by
 Mr. Child at
 enquiry
 before
 Stewards
 of the
 Trinidad
 Turf Club,
continued.

followed by sulphuric acid, nitric acid and Ferric Chloride distinguished it as heroin. Sulphuric acid pink was very definite also Marques.

Morphine easy to detect—derivative not so easy—no doubt heroin was found.

Adj. 6 p.m. to 1.30 p.m. Thursday.

27th April 1944.

1.30 p.m.

O'Reilly, K.C. : Stewards considering action of heroin on a racehorse. We have a book by Dr. Howard Milks 1943 Edition. There is a chapter on Diacteyl Morphine (Heroin). We are entitled to use our general 10 knowledge. We are entitled to say it is prima facie correct.

Butt : It is material to enquire on length of time between administration and action.

O'Reilly : Heroin is abnormal body in horse's saliva. It should not be there. May be administered to retard or excite horse. Will be glad of any assistance you can give.

Butt : I am not in a position to say whether heroin interferes with speed of horse. Would like to know how long it would take to effect. Argument ensues.

Butt : I don't think it necessary to call Steve Bennett to say he took 20 jars from O. P. Bennett to analyst.

Dr. Cyril Gittens : I realise this is a domestic tribunal. I understand my duty as a trainer is to give Stewards all assistance.

O'Reilly : You are not on trial but on facts brought out there may be a result which may seriously affect you.

Dr. Gittens : I understand that.

Butt : I am concerned to show that one hour before races started the officials took control and did not allow parties to get in touch with horses during meeting.

Butt : I don't want the man who took the swabs called. Dr. Gittens 30 saw them taken.

Cyril Gittens : Owned race horses 28 years. Trained for 27 years. It has been the practice of Stewards on occasions to take saliva. It has often been done. It has been taken from mine. No allegation or charge of doping previously made against me. At meeting between Owner & Trainers Association and Trinidad Turf Club we discussed inter alia doping. One suggestion I made was that the Trinidad Turf Club should take saliva of horses at meeting as done abroad. It was not adopted by Trinidad Turf Club.

Horses were then taken to a dope stall one hour before race. I have 40 been instrumental in getting grooms including mine taken away. I realise doping is a most serious turf offence. I realise racing authorities have as one of their duties prevention of doping by all means in their power.

I attended Tobago races. First day I had 3 winners. I have trained and won with hundreds of winning horses.

On first day I was present on each occasion when saliva of all winners was taken. Practice started last June. I knew of practice.

I knew on 1st day practice was in force. "Tommy Boy" won 2 races. Saliva taken from it on both occasions in my presence and sealed in a bottle in my presence.

I arrived on 2nd day at time horses were walking around in the Paddock for the first race. I had 2 horses "Sun Maiden" and "Tommy Boy."

From the time I arrived I was not allowed as trainer to approach my horses in the stall without permission of the Clerk of the Paddock. I did not go to the stables at any time that day. I did not go to the stables on either day at all. I went to the ground in front of the stalls but not into a stall. My head lad was Winston Kellman. He was in charge of my horses. I don't know if he did servicing of "Tommy Boy" I have had him since 1939. I have always found him very honest.

I have never had any suspicion of him. He worked with Cox in Barbados who recommended him to me—both Coxes.

If "Tommy Boy" had received a dose of heroin. *I have never considered heroin.* I have never administered heroin to "Tommy Boy" or any other horse. When I got report I looked up my medical dictionary and I saw it was a derivative of morphine. I don't use either heroin or morphine in my practice.

"Tommy Boy" has been a constant winner except for a year when he was ill—about 2 years ago. He was a very quiet horse except when he got to gates when he was a bit excitable. He was a quick starter.

I have heard that "Hunter's Moon" was also doped at that meeting. "Hunter's Moon" had nothing to do with me. I have administered no dope to him.

Every race I was interested I'd get into touch with Winston and he would take it to the dope stall. I was most of the time with Trestrail. On 2nd day all horses taken control of by authorities before races started.

When I arrived on 2nd day horses for the first race were being paraded.

To de Nobriga: I would tell Winston to get horse ready. One of the authorities would go with Winston to witness taking out of horse and in most cases my head lad would take the horse out with the permission and in the presence of an official.

I had 3 horses at the Meeting in adjoining stall facing East.

Horse then taken into the dope stalls.

Those stalls are pretty well open at the back as well as the front. My head boy saddled in presence of an official. I would be outside of stall sitting on stick watching what was happening and as they came out of stall *I would test my girth.* I was there or thereabouts in the vicinity of dope stall for the half hour horses were in dope stall.

At meeting with Owners & Trainers and Trinidad Turf Club it was a matter of rumour that horses were being doped. My suggestion turned down. Every one thought that doping was at an end.

The taking of swabs for every race only started in 1943. Before that swabs taken only on occasions.

I have never heard of heroin associated with drugging of horses. I have heard of caffeine, strychnine and several other drugs. If I had heard a horse was given heroin I would think it was unkind. I would not have thought till now that it would affect the horse. If I'd heard that heroin had been given a horse I'd report it to the stewards and if horse won I'd assume it had increased horse's chances of winning.

Exhibits.

F.2.

Notes taken by Mr. Child at enquiry before Stewards of the Trinidad Turf Club, *continued.*

Exhibits.

F.2.

Notes taken
by
Mr. Child at
enquiry
before
Stewards
of the
Trinidad
Turf Club,
continued.

If heroin was in "Tommy Boy" I have no idea how it could have got into horse. I understand no heroin allowed into Colony for last six years. I have bought none.

To Liddelow : After horse is put into dope stall attendants are put in charge. One official stands in position where he can see 3 horses being saddled up. It is difficult for him to see all that's being done to each horse. *I have no doubt a slick person could get at a horse.*

To Butt : Before meeting began horses were in paddock and head boy there. I am a licensed trainer and produce my licence. Put in.

To de Nobriga : All riding done by Paul and Latchman (Manny). 10

Winston Kellman : I am head lad of Dr. Gittens since 1939. I was with Edgar Cox, Barbados, as a groom. I took Gittens' 3 horses at Tobago races. On morning of 2nd day I was in the paddock attending to my horses. I was in charge. Before races started on 2nd day Clerks of Paddock came and said they would be taking over and to get everything fixed up. This was 10.45 and they took over at 11. After they took over I could not go back to stalls. When I had to go back I got a Clerk of Paddock to go with me and he walked with me to the dope stalls.

After the authorities took over nobody was allowed to go back to stalls. I was not allowed to go till saddling bell—There were persons in charge of Tobago Club. One of the grooms assisted me in saddling up. I know nothing about doping of "Tommy Boy." I noticed nothing peculiar re "Tommy Boy." He is always quiet. That day he was equally quiet. 20

To de Nobriga : I took care of Cox's horses—then looked after "Celanese," "Television" and others. Also "Olinia" before he started to race. I slept in Paddock. They took over at 11 o'clock.

The horses for 12th race were in dope stall before 11th race was started. Everybody went to see 11th race including myself—Club Official must go too. I don't see what opportunity there is for doping during that interval. 30

I have been groom for 12 years. I have heard of dope. I've never seen it. I've heard talk of dope in olden days. I don't know what doping is. I've never heard of giving horse something to get it along. I've never heard of people saying a horse would not have won if not doped. Horses put in dope stall to prevent doping. My business is to see horses not doped.

When horses are on track the horses for the next race are settled in the dope stalls.

Sydney Clifton Aqui : I own "Captain." I ran him in Tobago and attended at Tobago's last meeting. Trainer is Leon. He could not attend races and I acted as trainer at meeting. On both days I got there half an hour before start of race. On both days when I arrived horses had already been taken over by Tobago Turf Club. Not allowed to go to stall after groom bathed horse and put it in stall. I did not go to "Captain's" stall at all. Frank Bernard groom not allowed to go to stall except with attendant of Turf Club. My groom told me my horses had been taken over by authorities. My groom in charge of my horse. 40

To O'Reilly : "Captain" ran two races each day. I went into dope stall with him to help saddle him. Stables are high and you can see into 50

stall. I went with my groom to see horse taken to dope stall. Attendant followed him. There were about half a dozen attendants taking horses out of stables. One attendant came to me on each of 4 races—a different man each day. I know of those two attendants. The attendant would stand outside so that he could see inside the stable through the open door. The door is opened to the groom and attendant outside can see what was happening.

Groom washes him down and takes him into stall. No attendant when bathing finished—I saw door closed—wooden baton across.

10 I attended saddling in dope stall. Three of us there, groom, I and attendant. I tested the girths as trainer.

Sydney Edgar Ammon : I am a member of the Medical Board. I have owned and trained horses in Tobago. I attended Meeting 1942 Spring in Tobago.

20 About one hour before first race starts the horses stabled in the Paddock are taken over by the Paddock Superintendent ; by this I mean that they are under his supervision. After horses taken over you can approach them with permission of Paddock Superintendent—*Usually* you have to be accompanied by one of his assistants. Grooms cannot go to stall till horses ready to race. One assistant would go with groom to stall of horse about to race. If horse quiet assistant may take him over himself. If restive groom will take horse over.

They are then taken to dope stall. That is the practice everywhere. I had no occasion to go to my stall to see practice carried out. I saw it carried out.

30 Physiologically effect of heroin should be same on horses as on human beings. Effects probably more sedative on man than on animals. Heroin is a stronger drug than morphine. I can't help as regards horses. I don't know whether statement heroin is sometimes used to stimulate race horses is correct. I expect it to depress. If heroin detected in a horse it would have some effect on the horse. It is for you to consider whether effect here was stimulating or depressing. *I think drug addicts given heroin get first a brief stimulation followed by a period of depression.*

Ether may be a temporary stimulant similarly heroin. I would not give a horse of mine heroin immediately before a race.

To Butt : *Stimulation is for a brief period.* If a horse doped before 1 a.m. with heroin I would think by 4 o'clock he would be depressed unless he got another dose.

4 p.m. Adjd. to 9.00 Sat.

40 Sat. 29th April 9.00 a.m.

Percy des Iles : I officiated for Tobago Turf Club at March Meeting. I acted as Clerk of Paddock vice J. Clarke who was ill on both days.

I was in charge of saddling enclosures, i.e., dope stalls. I had nothing to do with supervising horses in stables before they got into the dope stall. McKenzie Joseph looked after them while in the stables.

50 *To Butt* : After horses got into saddling enclosure I was in charge of horses and no one allowed to approach them except under supervision. Owners trainers and grooms were given access to enclosure for purpose of saddling the horses. That is soon after the saddling bell was rung. They had no right to go into stalls except when animal has to get ready to be

Exhibits.

F.2.

Notes taken by Mr. Child at enquiry before Stewards of the Trinidad Turf Club, *continued.*

Exhibits.
 F.2.
 Notes taken
 by
 Mr. Child at
 enquiry
 before
 Stewards
 of the
 Trinidad
 Turf Club,
continued.

saddled. Grooms hang around enclosure but are not supposed to go to stalls before saddling time. They may go before if horse—Waith and I were at dope stall all the time and also Dr. des Iles the Vet. We all remained there during that half-hour. We may not be all the time together. No club attendants in the dope stall except three of us.

To de Nobriga : When horses come into stall grooms go to saddle up. The 3 orders are saddle up, bridle up and parade. They are all horses done at same time.

When saddling is being done we can't see all the animals at the same time. 10

The man at stables calls names of horses and grooms take them in. In front of stalls is open Paddock—no bamboos at all.

Halters and bits are washed by grooms or owners before put on horse—one bucket of Condy's Fluid and one of clean water. Bits go into Condy's Fluid and then into clean water.

At no time are horses in dope stall while race is being run. They are put there as soon as race is over. They are in the stables during that period.

De Nobriga : Sometimes horses did and sometimes did not go into dope stall until previous race was run. 20

T. Mackenzie Joseph : I officiated at Tobago races. I was Clerk of Paddock. When time comes for races to start I call out names of horses. Groom then goes inside and takes the horse and leads it down to dope stall. I see horse is out of stable with groom and then I call next horse. I don't go with horse to dope stall but I can see. I had one other man Waith assisting me. Waith also called out names. There were no other attendants.

First day races started 1.45. On both days I arrived 12.30 and saw horses there already in charge of their grooms and trainers. I did not tell them from now on I was taking charge of the horses. I asked at each 30 stable who was in charge of the horses. I spent all my time in the vicinity of the stalls. *I went to see starting or before they start.* As soon as I call out my horses I see them go to dope stall. I stay where I could see races.

No groom came to me for permission. If need be groom would go into stall. "Silver Native" was very restive—groom went in and tapped him. He says I'm going in to keep horse quiet. I stand there with him all the time he was there.

I go by the dope stall after the horses go out and so does Waith and we see them go out. I watch the race.

As soon as horses get on to track I go to call groom for next race. 40 Difficult to get grooms. Generally get them after race is over. Some get in dope stall before race run and some after.

While race is being run my back is to stables but dope stall is at side of me.

To Butt : Groom could not go into stalls without asking me. One tried to do it and I stopped him. If a trainer wanted to go in he would tell me so. I am told that trainer and groom are the only ones to be about the horse.

Butt : If they have a reason ?—*Answer* : "Yes."

I see none go in without telling me. No trainer on either day went 50 into the stable. None asked me to go in and I saw none go in. If a trainer had gone in I would stand before stable and see what was going on.

If trainer tried to go in before asking me I would report him. I have never reported one. I'd never allow anybody to go in.

I went to owner of "Hunter's Moon" to tell him horse was late.

Albert Waith : I officiated in Tobago—Assistant to Des Iles. My duties were to get horses ready for the dope stalls. I had to call groom to get horses ready for dope stall. One hour before meeting started I had to arrive and see stables clear of all persons. After horses are out of stables I have to go to dope stalls. I would assist McKenzie Joseph to call horses out and then would assist des Iles at the dope stall.

10 On 1st day horses were brought out of stalls after race run. On second day as soon as horses went on track I called on Joseph to get horses for next race into dope stall. He succeeded in getting horses into dope stall before horses on track had run their race. That was the case with every race on the second day—throughout the day.

I remember "Hunter's Moon" incident. It was last race on 1st day I think. It was after "Hunter's Moon" incident that I got the horses out early.

To Butt : I can't say if anybody in charge before I arrived.

20 —*Kellman* : *recalled* : When I came at 11 some one took in the horses —Joseph was the man who took over. This is all evidence 10.15.

Butt says he does not wish to call any other evidence.

Gittens, Butt and Inniss retire at request of Stewards. Stewards confer and Chairman by agreement of Stewards states to Butt :

The enquiry is now closed and the Stewards have to adjudicate on the matter. You realise that disciplinary powers which may involve serious consequences to the owner, trainer and groom of "Tommy Boy" are vested in the Stewards. The Stewards accordingly wish to give you on behalf of the owner and trainer every opportunity to be heard fully before the Stewards finally adjudicate.

30 *Butt* : Medical statements in books will be submitted.

O'Reilly : Certainly.

Butt : I wish to thank you all for extending to Dr. Gittens all facilities you have done.

1st question is : Was "Tommy Boy" doped ?

Assuming it is held he was doped I will never seek to contend it was not doped for purposes of affecting its speed.

Cushning on Pharmacology 1942. A recognised authority says of heroin—large doses cause excitement and convulsion—convulsions may cause death. P. 259 Dose 1/25–1/8 gr.

40 I've heard of heroin given to increase speed of horse—usually given along with strychnine. In that conjunction it is most efficacious.

You act according to dictates of natural justice.

(1) Did Analyst find heroin at all ?

(2) Was it in "Tommy Boy" swabs ?

Davis report says careful analysis fails to reveal etc.

Onus heavy on him to explain alteration in the second Certificate.

Davis' covering letter of 10th March gives result—no drug—please let me know when I can get rid of swabs and prepare jars.

Exhibits.

F.2.

Notes taken by Mr. Child at enquiry before Stewards of the Trinidad Turf Club, *continued.*

Exhibits.

F.2.
Notes taken
by
Mr. Child at
enquiry
before
Stewards
of the
Trinidad
Turf Club,
continued.

Letter suggest he had in fact no doubt at the time.

You must not act in cases where judicial tribunal would not act in a case of this description.

It would be dangerous to act on it. Letter was opportunity to express doubt. Second report made month and a half later. Letter written only 12 days after he satisfied himself as to presence of heroin.

Union Park is 8th and 10th April. On 5th or 6th April he finds heroin. He takes 12 days to make a report.

Davis has it in his power to resolve the question to bona fides by producing his notes. These notes must have shown if Davis was suspicious after 1st analysis. Deliberately refused to produce his notes. 10

Butt : It creates a doubt as to his credibility. Inherent in evidence of Davis is unsatisfactory element.

Two other circumstances to note.

Davis says he identified with Marques—Smith on forensic medicine says—morphine and heroin by Marques' reagent gives same colours. If colour not obtained no morphine present.

Sulphuric acid gave most startling results.

Heroin gives a feeble reaction with sulphuric acid.

Cushy p. 254—Morphine secreted in saliva etc.—traces in urine after 20 large doses.

Heroin—some found in stools.

Next question is : Who doped it ?

No suspicion or indicate that Dr. Gittens did it or was party or privy to it.

Owner and Trainer is p.f. liable.

You should not find affirmatively Gittens doped or was privy to doping—whether he is otherwise liable or not.

A punter may be interested in the doping. "Hunter's Moon" also doped. If other horse doped it is contra indication to Gittens doping it. 30

History of Dr. Gittens must be taken into account. He has had a long and unblemished record. No dope found in any of his horses. He knew first day saliva of all winners being taken. This is a consistent winner—not a horse which is a failure and needs doping.

Penalty : If Gittens not implicated in doping he should incur no penalty as trainer he should have no penalty. You have jurisdiction to withdraw his licence.

In England it may be fair that trainer should have licence cancelled if horse is doped.

Reason in England is trainer has sole and unfettered control of horse. 40

Chapman's Case 1932 L.J.Q.B.

Jockey Club contended that natural meaning of words was trainer was *solely* responsible for safe custody of the horse.

Note : (Case says " *directly* " responsible, not *solely*.)

There is a duty here on trainer to protect horse—his control is subject to supervision.

Trainer has limited access only.

It is for breach of duty that a trainer in England is punished.

O'Reilly : Action does not take away any responsibility of trainer.

As to warning off turf. 50

Similar considerations apply to any Tribunal which has power to warn off.

No jurisdiction to warn off in certain circumstances—not in this case. Gittens submits himself under rules.

No more jurisdiction than rules contain.

In England Stewards of Jockey Club can warn off.

In Trinidad Stewards who can warn off are Stewards of meeting only.

R. 125—same as English R. 176.

English R..178 (a).

Cookson v. Harewood.

10 (1932) L.J.Q.B. p. 394–6 R. 170. Is the Pony Club warned off.

No inherent jurisdiction—Parties retire.

Stewards confer.

Exhibits.

F.2.

Notes taken by Mr. Child at enquiry before Stewards of the Trinidad Turf Club, *continued.*

L.A.P.O'R.2.

EXTRACT from Milk's Practical Veterinary Pharmacology, 5th Edition, page 164.

Exhibits.

L.A.P.O'R.2
Extract from Milk's Practical Veterinary Pharmacology, 5th Edition, page 164.

20 Diacetylmorphine is not so marked a hypnotic or analgesic as morphine but has a greater tendency to increase reflex excitability. Like morphine it depresses the respiratory center and has been considered by Dresser to have a more specific action in depressing this center to reflex stimuli, as in cough, than to direct stimulation as from carbon dioxide. He also stated that it slowed the respirations but increased the force and depth of the inspirations. There is, however, a considerable reduction in the amount of air respired per unit of time. On account of its action upon the respiratory tract. Dresser believed it particularly useful in cough, but Cushny has more recently found that heroin affects the respirations, in man at least, just the same as morphine does. It seems therefore that it has no advantage over the older drug. Another advantage claimed for it is that there is less danger of producing toxic action since there is a greater difference between therapeutic and toxic doses than in case of morphine, although the actual toxic dose is not much different from that of morphine.

30 This is because the therapeutic dose is so correspondingly small. The hydrochloride of diacetylmorphine may be given in pill, syrup, aqueous solution per os, or in aqueous solution hypodermically, but it is most often prescribed in a syrup, of which there are several upon the market.

Its chief and only use is to check cough and most impartial investigators have generally failed to obtain any better results with it than with the older drugs, morphine and codeine and it is probably in no way superior to them.

40 The greater part of heroin is excreted in the urine. Some is eliminated in the saliva. It is sometimes used to stimulate race horses and may be detected by examination of the saliva or urine.

*Exhibits.***L.A.P.O'R.1.**

L.A.P.O'R1
Findings of
Stewards of
Trinidad
Turf Club,
29th April
1944.

FINDINGS of Stewards of Trinidad Turf Club.

Turf Club Office. 29th April, 1944.

The Stewards of the Trinidad Turf Club, having investigated the circumstances relating to "Tommy Boy" find as follows:

i. A drug was administered to "Tommy Boy" on the Second day of the Tobago Races (4th March, 1944) which was calculated to affect its speed.

ii. The Stewards hold the trainer, Doctor Cyril Gittens, responsible for the safeguarding of the horse.

10

THEY ORDER :—

(A) That "Tommy Boy" be disqualified as from this date from all future racing under the Rules of the Trinidad Turf Club;

(B) That the licence of Dr. Cyril Gittens, as trainer be withdrawn;

(C) That Dr. Cyril Gittens be warned off pursuant to the powers vested in the Stewards of the Trinidad Turf Club.

L. A. P. O'REILLY Steward

C. A. CHILD

C. LLOYD TRESTRAIL

20

GEORGE DE NOBRIGA

S. LIDDELOW

29/4/44.

C.7.

Letter from
Secretary,
Turf Club,
to Plaintiff,
4th May
1944.

C.7.

LETTER from Secretary, Turf Club, to Plaintiff.

Trinidad Turf Club.

39, Marine Square,

Port of Spain,

Trinidad, B.W.I.

4th May, 1944. 30

Dr. Cyril Gittens,
31 Frederick Street,
Port of Spain.

Sir,

I am instructed to inform you that the following is a copy of the decision of the Stewards given on the 29th April 1944 :—

The Stewards of the Trinidad Turf Club having investigated the circumstances relating to "Tommy Boy" find as follows :—

(1) A drug was administered to "Tommy Boy" on the second day of the Tobago Races (4th March, 1944) which was calculated to affect his speed. 40

(2) The Stewards hold the trainer Doctor Cyril Gittens, responsible for the safeguarding of the horse.

They Order :—

(A) That "Tommy Boy" be disqualified as from this date from all future racing under the rules of the Trinidad Turf Club.

(B) That the licence of Dr. Cyril Gittens as trainer be withdrawn.

(C) That Dr. Cyril Gittens be warned off pursuant to the powers vested in the Stewards of the Trinidad Turf Club.

Exhibits.

C.7.

Letter from
Secretary,
Turf Club,
to Plaintiff,
4th May
1944,
continued.

10

Yours faithfully,

O. P. BENNETT,

Secretary.

J.H.B.5.

J.H.B.5.

LETTER from Secretary, Turf Club, to Secretary, Demerara Turf Club, 18th May 1944.

[*Not printed. Same terms and enclosures as Exhibits J.H.B.1 and C.9.*]

J.H.B.3.

J.H.B.3.

LETTER from Secretary, Turf Club, to Secretary, Tobago Race Club, forwarding Findings of Stewards of Trinidad Turf Club, 5th June 1944.

[*Not printed. Same terms and enclosures as Exhibits J.H.B.1 and C.9.*]

20

J.H.B.1.

J.H.B.1.

LETTER from Secretary, Turf Club, to Messrs. Weatherby & Sons forwarding Findings of Stewards of Trinidad Turf Club.

6th June 1944.

Messrs. Weatherby & Sons,
15 Cavendish Square,
London, W.1,
England.

Letter from
Secretary,
Turf Club,
to Messrs.
Weatherby
& Sons
forwarding
findings of
Stewards of
Trinidad
Turf Club,
6th June
1944.

Dear Sirs,

Pursuant to standing arrangements, I enclose copies of the findings and orders of the Stewards of the Trinidad Turf Club :—

(A) Dated 29th April, 1944, re, "Tommy Boy" and Dr. Cyril Gittens ;

(B) Dated 29th April, 1944, re Winston Kellman ;

(C) Dated 3rd May, 1944, re "Hunter's Moon" and Edmund Rogers.

Yours faithfully,

*

Secretary.

[Registrar's Note :—Copy of letter at (A) above was put in as enclosure to exhibit J.H.B.1.]

* as in original

(Intd)

Registrar.]

Exhibits.

Enclosure to Exhibit J.H.B.1.

COPY.

29th April, 1944.

J.H.B.1.
 Letter from
 Secretary,
 Turf Club,
 to Messrs.
 Weatherby
 & Sons
 forwarding
 findings of
 Stewards of
 Trinidad
 Turf Club,
 6th June
 1944,
continued.

The Stewards of the Trinidad Turf Club's ruling as the result of an enquiry re "Tommy Boy" and Dr. Cyril C. Gittens.

1. A drug was administered to "Tommy Boy" on the second day of the Tobago Spring Races (4th March 1944) which was calculated to affect his speed.

2. The Stewards hold the Trainer, Dr. Cyril C. Gittens responsible for the safeguarding of the horse. 10

They order :—

A. That "Tommy Boy" be disqualified as from this date from all future racing under the rules of the Trinidad Turf Club.

B. That the licence of Dr. Cyril C. Gittens, as Trainer be withdrawn.

C. That Dr. Cyril C. Gittens be warned off pursuant to the powers vested in the Stewards of the Trinidad Turf Club.

(Signed) L. A. P. O'REILLY

C. A. CHILD

C. LLOYD TRESTRAIL 20

GEORGE DE NOBRIGA

S. LIDDELOW.

Messrs. Weatherby & Sons,
 15, Cavendish Square,
 London, W.1.

J.H.B.4.

J.H.B.4.

LETTER from Secretary, Turf Club, to Secretary, Barbados Turf Club, 6th June 1944.

[Not printed. Same terms and enclosures as Exhibits J.H.B.1 and C.9.]

C.9.

Exhibits.

LETTER from Secretary, Turf Club, to Secretary, New Union Park Turf Club, forwarding Findings (3) of Stewards of Trinidad Turf Club.

Trinidad Turf Club.
38, Marine Square,
Port of Spain,
Trinidad, B.W.I.

6th June, 1944.

Ansd. 13-6-44.

10 Leo Herbert, Esq.,
Hon. Secretary,
New Union Park Turf Club, Inc.,
c/o Messrs. W. S. Robertson & Co.,
High Street,
San Fernando.

C.9.
Letter from
Secretary,
Turf Club,
to
Secretary,
New Union
Park Turf
Club,
forwarding
findings (3)
of
Stewards
of
Trinidad
Turf Club,
6th June
1944.

Dear Sir,

Pursuant to standing arrangements, I enclose copies of the findings and orders of the Stewards of the Trinidad Turf Club :—

- 20 (A) Dated 29th April, 1944, re “ Tommy Boy ” and Dr. Cyril Gittens ;
(B) Dated 29th April, 1944, re Winston Kellman ;
(C) Dated 3rd May, 1944, re “ Hunter’s Moon ” and Edmund Rogers.

Yours faithfully,

O. P. BENNETT,
Secretary.

Enclosure to C.9.

COPY.

29th April, 1944.

30 The Stewards of the Trinidad Turf Club’s ruling as the result of an enquiry re “ Tommy Boy ” and Dr. Cyril C. Gittens.

1. A drug was administered to “ Tommy Boy ” on the second day of the Tobago Spring races (4th March, 1944), which was calculated to affect his speed.

2. The Stewards hold the Trainer Dr. Cyril C. Gittens responsible for the safeguarding of the horse.

They order :—

- 40 A. That “ Tommy Boy ” be disqualified as from this date from all future racing under the rules of the Trinidad Turf Club.
B. That the licence of Dr. Cyril C. Gittens, as Trainer, be withdrawn.

Exhibits.

C.9.

Letter from
Secretary,
Turf Club,
to
Secretary,
New Union
Park Turf
Club,
forwarding
findings (3)
of Stewards
of Trinidad
Turf Club,
6th June
1944,
continued.

c. That Dr. Cyril C. Gittens be warned off pursuant to the powers vested in the Stewards of the Trinidad Turf Club.

(Signed) L. A. P. O'REILLY

C. A. CHILD

C. LLOYD TRESTRAIL

GEORGE DE NOBRIGA

S. LIDDELOW.

The Hon. Secretary,
New Union Park Turf Club.

Enclosure to C.9.

COPY.

29th April, 1944.

10

The Stewards of the Trinidad Turf Club's ruling as the result of an enquiry re "Tommy Boy" and Winston Kellman.

They order :—

A. That Winston Kellman's licence as Groom be withdrawn as from this date.

B. That Winston Kellman be warned off pursuant to the powers vested in the Stewards of the Trinidad Turf Club.

(Signed) L. A. P. O'REILLY

C. A. CHILD

GEORGE DE NOBRIGA

S. LIDDELOW

C. LLOYD TRESTRAIL.

The Hon. Secretary,
New Union Park Turf Club.

Enclosure to C.9.

COPY.

3rd May, 1944.

The Stewards of the Trinidad Turf Club's ruling as the result of an enquiry re "Hunter's Moon" and Mr. Edmund Rogers.

1. A drug, Heroin, was administered to "Hunter's Moon" 30 on the first or second day of the Tobago Spring Races (2nd and 4th March, 1944) or both which was calculated to affect his speed.

2. The Trainer, Edmund Rogers, was responsible for safe-guarding the horse.

They order :—

A. That "Hunter's Moon" be disqualified as from this date from all future racing under the rules of the Trinidad Turf Club.

B. That the licence of Edmund Rogers as Trainer be withdrawn.

C. That Edmund Rogers be warned off pursuant to the powers 40 vested in the Stewards of the Trinidad Turf Club.

(Signed) C. A. CHILD

GEORGE DE NOBRIGA

C. LLOYD TRESTRAIL

K. VINCENT BROWN

S. LIDDELOW.

The Hon. Secretary,
New Union Park Turf Club.

J.H.B.7.

LETTER from Secretary, Turf Club, to Caracas Jockey Club, 6th June 1944.

Exhibits.
J.H.B.7.

[*Not printed. Same terms and enclosures as Exhibits J.H.B.1 and C.9.*]

C.8.

C.8.

LETTER from Secretary, Turf Club, to Secretary, Arima Race Club, forwarding Findings of Stewards of Turf Club, 12th June 1944.

[*Not printed. Same terms and enclosures as Exhibits J.H.B.1 and C.9.*]

J.H.B.6.

J.H.B.6.

LETTER from Secretary, Turf Club, to Jamaica Jockey Club, 12th June 1944.

10 [*Not printed. Same terms and enclosures as Exhibits J.H.B.1 and C.9.*]

E.

SUPPLEMENT to Racing Calendar showing names of Persons warned off Newmarket Heath.

E.
Supplement
to Racing
Calendar
showing
names of
persons
warned off
Newmarket
Heath.

This List to be retained.

(Private.)

The Following List of Persons who have been warned off Newmarket Heath (see Rule 9 of the Rules of Racing and Rule 10 of the National Hunt) is forwarded to the Stewards of Races for their *PRIVATE* use and the attention of Stewards is specially drawn to the List which applies to all enclosed Courses.

20 (Here follows lengthy list of names of persons warned off by various Clubs with dates of warning off, which are not here included, among them being :—)

Ashby, G. C., warned off by the Trinidad Turf Club, 1934.

Bullen, B., warned off by the Trinidad Turf Club, 1934.

Dupres, Harold, warned off by the Trinidad Turf Club, 1939.

Gittens, Dr. Cyril C., warned off by the Trinidad Turf Club, 1944.

Kellman, Winston, warned off by the Trinidad Turf Club, 1944.

Laughlin, Kenneth, warned off by the Trinidad Turf Club, 1942.

Mayers, Wolsey, warned off by the Trinidad Turf Club, 1934.

30 Newton, J., warned off by the Trinidad Turf Club, 1935.

Patrick, Gerald, warned off by the Trinidad Turf Club, 1937.

Pilgrim, Herman, warned off by the Trinidad Turf Club, 1934.

Rogers, Edmund, warned off by the Trinidad Turf Club, 1944.

The following persons were reported under Rule 177, and their names can only be removed on official notification that the report is withdrawn :—

(Here follows List of Names and Dates which, being immaterial for this record, are not typed.)

Exhibits.

J.H.B.2.

J.H.B.2.

LATER ISSUE of Exhibit E.

[*Not printed.*]

G. de N.1.
Two letters
from
George de
Nobriga to
Melville de
Nobriga,
29th and
31st
October
1927.

G. de N.1.

**TWO LETTERS from George de Nobriga to Melville de Nobriga, 29th and 31st
October 1927.**

COPY.

29th Oct. 1927.

My dear Melville,

I do not know how much you know about Amy's going on in this 10
Town, but as it is usual for interested parties to know the least about such
things and as I cannot conceive of any man knowing of such matters and
not making an effort to end them in any way that he may deem wisest
I have decided to assume the responsibility of putting before you one fact
of very recent *occurrence* that I feel you should know. I *know* of much,
but one will suffice to show you the way in which the wind is blowing and
I would not bring this to your notice if I did not have knowledge of
supporting evidence to make me feel that it is a duty to you that I should
put you wise.

Shortly after I asked you to come over to the house last night, I 20
received information which took me round the savannah to see Dr. Gittens'
car drive to the West and the coupe drive towards the East. I followed
the coupe to the corner of Alex. St. and saw it turn into your yard.

The information I received was that Gerald Gittens was in the coupe
with Amy and Greta was in car No. 2743 with the other Gittens brother for
some considerable time after dark until 6.45 p.m. or thereabouts.

If you wish to discuss the matter with me I am absolutely at your
disposal—I can trust you to believe me that I have given this matter
much thought and am not now acting on impulse but on mature thought.

Whatever you do—do nothing rashly—but it is imperative for Amy's 30
sake as well as your own that you do something. I admit that I am not
so much interested in Amy as I am in you.

Whatever you feel about this act of mine I wish you to believe that
I am not actuated by any but the purest of motives.

May God guide you and help you.

Your loving brother,

GEO.

G.D.N.1.

COPY.

G. de N.1.
54, Fred. St.,
P. O. S.
31st Oct. 1927.

Exhibits.
G. de N.1.
Two letters
from
George de
Nobriga to
Melville de
Nobriga,
29th and
31st
October
1927.
continued.

My dear Melville,

Thanks for your note this morning—I was glad to get it to know that my note had got safely into your hands.

I am very glad indeed to hear that you have had the incident explained to your entire satisfaction, and that my information, as is
10 natural, did not have all the facts.

When one assumes a responsibility as I did, Mel., one must expect some such kick as appears in the final paragraph of your note and I assure you I have no hard feelings over it. I have discharged what I have felt for sometime was my duty to you—not from this one incident, Mel., and I am, therefore, mute on this matter from now on till the end of time.

Believe it whether you will or not—I am very anxious for the happiness of you two people, but if you hope to keep your happiness and Amy's, you may take it from me or not, just as you think fit, you have as
20 a duty to her as well as to yourself to make her see that she must be considerably more mindful of your position and reputation in this community than she has been, and must, therefore, in future refrain from acts which open her, rightly or wrongly, to much that is not elevating and desirable, to say the least of it.

Whatever your feelings against me may be I wish you to believe that I am honest and honourable in my action and I think that this had better come to you from me than some other source.

In spite of everything I wish you both nothing short of the utmost happiness but the ostrich feat will never get either of you or anybody else
30 very far along the road of happiness.

?—Mel.

Always your loving brother,

GEO.

G.D.N.1.

G.S.L.1.

MINUTES of Stewards' Meeting (Trinidad Turf Club), Summer 1943.

4th Day—Summer Meeting 1943.

Present :—Sir Lennox A. P. O'Reilly, Kt. K.C. (Vice President in the
Chair)

Mr. S. Liddelow

„ G. L. Trestrail (Acting for Mr. C. L. Trestrail)

„ J. L. M. Perez (Acting for Mr. C. A. Child)

His Honour Mr. K. Vincent Brown

Hon. J. D. Chandler (Acting for Hon. Geo. de Nobriga).

Dr. Shannon reported to the Stewards that he had overheard a
40 conversation between Dr. Cecil Gittens the trainer of "Flare" and Mr. L. E. Fisher the owner. The subject of the conversation was that the

G.S.L.1.
Minutes of
Stewards'
Meeting
(Trinidad
Turf Club),
Summer,
1943.

Shannon
Dr. vs.
Cecil
Gittens.

Exhibits.
 G.S.L.I.
 Minutes of
 Stewards'
 Meeting
 (Trinidad
 Turf Club),
 Summer,
 1943.
continued.

horse should be taken out of the Saddling Stalls and not run in the race. On it being pointed out by Mr. Murray to Dr. Gittens that it was somewhat late to make application to the Stewards as the public had already started to place bets on the Parie Mutuel, Dr. Gittens stated to Mr. Fisher that they should send the horse out and have it pulled up soon after it started. The Stewards heard Dr. Gittens on his own evidence and also Mr. Fisher who was called as a witness for Dr. Gittens. The Stewards after deliberation found that the complaint had been proved and the 2nd Vice President recording the decision of the Stewards informed Dr. Cecil Gittens that they had taken a very serious view of his conduct and anxiously considered whether they should not pass a sentence of suspension, but since as a trainer he had a clean record they fined him \$100.00 and warned that any further offence by him would be regarded seriously. 10

Mr. Chandler whilst agreeing with the findings of the facts considered that a warning would have been sufficient as it was his first offence.

K. VINCENT BROWN
 J. D. CHANDLER
 L. A. P. O'REILLY
 J. L. MATHIEU PEREZ.

G. de N.2.
 Decision of
 the
 Stewards on
 the
 "Pippin"
 incident,
 Christmas
 Meeting,
 1945.

G.D.N.2.

20

DECISION of the Stewards on the "Pippin" incident, Christmas Meeting, 1945.

16th Race. Mr. T. Galt, Paddock Superintendent was called upon to explain why the horses "Pippin" & "Cablegram" were late in going to the starting gate for the 16th Race.

He explained that in the case of Cablegram the delay was due to the girths breaking twice in succession, but in the case of Pippin the fault lay with the Trainer Dr. Cyril Gittens. Dr. Gittens admitted the charge and explained that when he saw "Cablegram" delayed in the Paddock he kept "Pippin" back because he was carrying top weight. He did, however, send Pippin out soon after being told to do so by Mr. Galt. 30

After due consideration the Stewards informed Dr. Gittens that they took a very serious view of his offence and fine him \$50.00 (fifty dollars).

Mr. Galt was censured for not reporting the matter to the Stewards earlier and they impressed upon him the necessity of doing so in future.

GEO. DE NOBRIGA.

In the Privy Council.

ON APPEAL

FROM THE SUPREME COURT OF TRINIDAD AND TOBAGO.

BETWEEN

LENNOX ARTHUR PATRICK O'REILLY, Kt.
CHARLES ARTHUR CHILD
GEORGE de NOBRIGA
CLIFFORD TRESTRAIL and
SYDNEY LIDDELOW

Stewards of the Trinidad Turf Club (Defendants)- - - *Appellants*

AND

CYRIL CUTHBERT GITTENS (Plaintiff) - - - - *Respondent.*

RECORD OF PROCEEDINGS.

J. N. MASON & CO.,
41-44 TEMPLE CHAMBERS,
TEMPLE AVENUE, E.C.4,
Solicitors for the Appellants.

MAPLES, TEESDALE & CO.,
6 FREDERICK'S PLACE,
OLD JEWRY, E.C.2,
Solicitors for the Respondent.