

With Declaratory Act Now in Force Ministers Expect O.J.C. to Pay Proceeds of Friday's and Saturday's "Rake-off" Direct to Provincial Coffers—Will Take Legal Action Today to Collect \$250,000 Already Paid Into Court

BILL SETTING ASIDE INJUNCTION GIVEN ROYAL ASSENT IN HOUSE

Should the Ontario Jockey Club decline to pay over to the Provincial Treasurer the proceeds of the 5 per cent. tax on race-track wagering, it is probable the Provincial Police will close up the Woodbine this afternoon. The Government, however, is understood to have not the least expectation of such action being necessary.

First thing this morning a representative of the Provincial Treasurer's Department will call on the O. J. C. representative and present a letter of demand for the proceeds of the tax on Friday's racing. It is expected that a cheque for the amount due on yesterday's operations will be handed over immediately.

Despite the enactment of the Declaratory Bill yesterday, it will be several days yet before Provincial Treasurer Peter Smith can cash the Ontario Jockey Club's cheque for approximately a quarter of a million dollars, representing the accumulated proceeds of the 5 per cent. tax on five days' wagerings on races at the Woodbine.

Today the Government may make application at Osgoode Hall for the payment out of the tax moneys paid over in accordance with Mr. Justice Middleton's injunction order. If this is done the motion would probably be argued Monday and a ruling made. Upon the court's order the accumulated total would then become payable immediately to the Treasurer.

But as regards yesterday's and today's tax on wagers, the proceeds are payable direct to the Government. Legal opinion secured last night was to the effect that the

Declaratory Bill, receiving Royal assent in the afternoon, thereby became operative as from midnight of the preceding night. Therefore, the proceeds of yesterday's wagerings are payable, not into court, but into the hands of the Treasurer of the Province. They should be in the Provincial coffers before evening. Saturday's proceeds will probably not be paid in until Monday.

Although Attorney-General Raney was able to advance his Declaratory Bill only one stage on Thursday, he made up the lost step yesterday by securing for it both third reading and Royal assent. The measure is now law, the injunction proceedings of a week ago set aside, and, presumably, the Government will be in possession of the accumulated 5 per cent. Woodbine wagerings tax within a few days.

When third reading of the measure was called as the first order yesterday, H. H. Dewart, K.C., reintroduced the amendment to the section placing the Crown or any Minister thereof beyond injunction proceedings or similar legal action. His amendment proposed that the section should not affect "any action or proceeding against the Crown or against any Minister thereof . . . in which any question is raised as to whether any or certain legislation is or is not within the legislative authority of the Legislature of the Province of Ontario."

The amendment was declared last on division, and the bill carried.

Just before six o'clock his Honor the Lieutenant-Governor came into the House and accorded it Royal assent.

Before the House rose for dinner, Mr. Raney told Mr. Ferguson that he did not have Provincial police at the Woodbine for the last race yesterday, but he merely smiled when asked if his officials would be there today.

W. P. Fraser, Secretary of the Ontario Jockey Club, when informed by The Globe that the Declaratory Act had received the Royal assent, declined to make any statement.

"I have nothing whatever to say," he said.

"What course will the Ontario Jockey Club adopt with regard to the money?" he was asked.

"That I cannot tell."

"Will the directors deal with it tomorrow?"

"Most likely," Mr. Fraser replied. "I am sorry I cannot give you any more information."