

Mr. G. Hutchison.

GAMING AND LOTTERIES.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Repeals.</li> <li>3. Legality of sports, &amp;c.</li> <li>4. Legality of lotteries, &amp;c.</li> <li>5. Keeping of gambling-house, -room, or -place, deemed illegal.</li> </ol> | <ol style="list-style-type: none"> <li>6. Inspection of suspected places.</li> <li>7. Prosecutions.</li> <li>8. Destruction of appliances.</li> <li>9. Validity of wagering.</li> <li>10. Unlawful games.</li> <li>11. Commencement of Act. Schedule.</li> </ol> |
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A BILL INTITLED

AN ACT to suppress Improper Pastimes, and to regulate the Use of Lotteries. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Gaming and Lotteries Act, 1891." Short Title.

2. "The Gaming and Lotteries Act, 1881," "The Gaming and Lotteries Act 1881 Amendment Act, 1885," and the several enactments of the Imperial Parliament mentioned in the Schedule to this Act, in so far as they relate to gaming, lotteries, and horse-racing, are hereby repealed. Repeals.

*Struck out.*

3. All sports, exhibitions, and competitions at or in respect of which money or valuable consideration is offered or payable shall be unlawful: Provided that no *bond fide* exhibition or contest of skill, excellence, or endurance, if conducted and determined in public, and including horse-races, under the direction of stewards or a committee appointed by the members of a jockey or racing club, shall be unlawful. Legality of sports, &c.

4. All games, lotteries, and sweepstakes, and all other contrivances into which the element of chance may enter, and upon the event of which money or valuable consideration is offered or payable, shall be unlawful: Provided that the following shall not be unlawful:— Legality of lotteries, &c.

(1.) Any lottery, competition, or means for determining by machine or other appliance the odds on an event to be conducted and determined in public, in respect of which a license shall have been issued by the Colonial Secretary subject to general conditions to be defined from time to time by Order in Council.

- (2.) Any lottery at a bazaar, entertainment, or meeting, held for a religious, charitable, or social purpose, the contributions in respect of which do not exceed five shillings each and the prizes are works of art, fancy, or utility.
- (3.) Any sweepstakes on an event to be conducted and determined in public in respect of which the contributions do not exceed five shillings each, and the aggregate amount contributed does not exceed five pounds and the whole amount is payable on the determination of the event to one or more of those actually contributing.

*Struck out.*

- (4.) Any game strictly conforming to printed or written rules defining the limits of the contributions or stakes, which must be moderate, and so that no part of any contribution or stake nor any money or valuable consideration whatsoever shall be directly or indirectly payable to any person for the use of the place, opportunity, instruments, or appliances for playing or carrying on such game, and so that the whole of the contributions or stakes shall be dependent on the result.

5. Any person being the owner or occupier or having the use of any house, room, or place, or who shall open, keep, or use the same, or permit the same to be opened, kept, or used, and any person having the care or management of or in any manner assisting in conducting the business of any house, room, or place, and any person who shall advance or furnish money for the purpose of, *and any person taking part in*, any matter or thing prohibited by this Act, shall be liable to a penalty not exceeding *fifty* pounds, or in default to be imprisoned with or without hard labour for any period not exceeding *twelve* months.

6. Any Justice of the Peace may, on the sworn information of two credible persons, issue a special warrant describing the house, room, or place where any infringement of this Act shall be suspected to be, or to be about to be, carried on, authorising any constable or peace officer, at or within such time as may be specified in such warrant, to enter, or if necessary to break into, such house, room, or place, and to arrest and bring before a Resident Magistrate or two Justices of the Peace all persons found therein or thereat apparently acting or engaged in any infringement of this Act, and also to seize and remove all instruments, means, and appliances used or adapted for use in connection with any infringement of this Act.

7. Any prosecution under this Act may be commenced and determined by summary procedure under "The Justices of the Peace Act, 1882."

8. All instruments and appliances used or adapted for use in or about any matter or thing prohibited by this Act may be destroyed on the order of a Resident Magistrate or two Justices of the Peace hearing any information under this Act.

9. All contracts and agreements, whether by parol or in writing, for any debt contracted or agreed to be paid by way of *gaming or wagering or betting*, or relating to any matter or thing prohibited by this Act, which for the purpose of this section is to be read without the

Keeping of gambling-house, -room, or -place, deemed illegal.

Inspection of suspected places.

Prosecutions.

Destruction of appliances.

Validity of wagering.

provisoes, shall be null and void, and no suit shall be brought nor maintained in any Court for recovering or impounding any sum of money or valuable security or other consideration won *upon any wager*, or deposited to abide any event on which *any such wager or bet* shall have  
5 been made, or in relation to which any part of this Act may apply.

10 10. For the purposes of the first subsection of section one hundred and forty-nine of "The Licensing Act, 1881," the term "unlawful game" shall mean and include any game or pastime on the event of which money or valuable consideration may be dependent. Unlawful games.

11. This Act shall come into operation on the *fifteenth* day of *September*, one thousand eight hundred and ninety-one. Commencement of Act.

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### SCHEDULE.

Schedule.

33 Henry VIII., cap. 9.  
31 Elizabeth, cap. 5.  
16 Charles II., cap. 5.  
10 and 11 William III., cap. 17.  
9 Anne, cap. 6.  
9 Anne, cap. 14.  
10 Anne, cap. 26.  
8 George I., cap. 2.  
9 George I., cap. 19.  
2 George II., cap. 28.  
6 *Georje II.*, cap. 35.

12 George II., cap. 28.  
13 George II., cap. 19.  
18 George II., cap. 34.  
25 George II., cap. 36.  
42 George III., cap. 119.  
58 George III., cap. 70.  
3 George IV., cap. 114.  
5 *George IV.*, cap. 83.  
5 and 6 *William IV.*, cap. 41.  
6 and 7 *William IV.*, cap. 66.