

Legislative Council.

47<sup>o</sup> VICTORIÆ, 1884.

## A BILL

To declare Lotteries illegal and to prohibit Advertisements thereof and for other purposes relating thereto.

[SIR ALFRED STEPHEN;—1 *May*, 1884.]

WHEREAS by an Act of the Imperial Parliament passed in the Preamble 10 and 11  
reign of King William the Third intituled "*An Act for suppress-* W. 3 c. 17.  
*ing of Lotteries*" reciting that several evil-disposed persons had set up  
many mischievous and unlawful games called lotteries it is enacted and  
5 declared that all such lotteries and all other lotteries are common and  
public nuisances and that any person who opens any such lottery shall  
forfeit five hundred pounds and every person who throws or plays at  
any such lottery shall forfeit twenty pounds And whereas by an Act 11 G. 2 c. 28.  
of the Imperial Parliament passed in the reign of King George the  
10 Second intituled "*An Act for the more effectual preventing of excessive  
and deceitful Gaming*" it is enacted that any person who sets up  
or keeps any office or place under the denomination of a sale or  
sales of land or goods by way of lottery or by lots or tickets or  
who exposes to sale any land or goods by any method or device  
15 depending upon or to be determined by lot or drawing shall forfeit  
two hundred pounds and every such sale is declared to be void and  
it is enacted that the lands and goods so set up for sale shall be  
forfeited to any person suing for the same And whereas by an Act 42 G. 3 c. 119 s. 2.  
of the Imperial Parliament passed in the reign of King George the  
Third intituled "*An Act to suppress certain Games and Lotteries*  
20 *not authorised by law*" it is enacted that no person shall keep  
any office or place to show or expose to be drawn or thrown at  
any game or lottery whatever not authorised by Parliament or shall  
suffer any such lottery in his house or place to be played or  
drawn upon pain of forfeiting five hundred pounds and every  
25 person so offending shall be deemed a rogue and vagabond and  
by the same Act it is further enacted that no person shall *Ibid* s. 5.  
under any device promise to pay any money or deliver any  
goods for the benefit of any person or persons on any event or con-  
tingency relative to the drawing of any ticket or lot in any such game  
30 or lottery or shall publish any proposal for any such purpose upon pain  
of

9 G. 4 c. 83 s. 24.

of forfeiting one hundred pounds And whereas by an Act of the Imperial Parliament passed in the ninth year of King George the Fourth intituled "*An Act for the Administration of Justice in New South Wales and Van Diemen's Land and for the more effectual Government thereof and for other purposes relating thereto*" it is enacted that all Statutes in force in England at the time of the passing of that Act shall be applied in the administration of justice in the Courts of those Colonies so far as the same can be applied therein provided that as often as any doubt shall arise as to the application of any such Statute in those Colonies respectively the Legislatures thereof may declare whether it shall be deemed to be in force therein or may make such modifications thereof as shall be deemed expedient And whereas doubts have arisen whether the recited portions of the said Acts of the reigns of William the Third George the Second and George the Third are in force in this Colony and many persons have by reason of such doubts or in ignorance of the existence and applicability to the Colony of those Statutes advertised sundry lotteries of lands and have caused the same to be drawn by tickets or otherwise by lot and chances within the meaning of those Statutes in the cited provisions thereof Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Doubts as to applicability of three first-cited Acts.

The said Acts declared to be in force.

Price paid for tickets to be returned.

The 16th Victoria No. 2 extended to lands.

1. The said recited Acts of the reigns of William the Third George the Second and George the Third are hereby declared to be in force in this Colony and they shall be deemed to extend to the same accordingly Provided always that no prosecution shall be instituted or suit or other proceeding be commenced after the first day of May one thousand eight hundred and eighty-four in respect of any act done in violation of or forfeiture incurred under those statutes or any of them before that day.

2. Provided also that in respect of every lottery of land projected or proposal for any such lottery advertised or issued on or before that day and which lottery had not then been drawn every person who shall have paid any money or given or deposited any thing as the price of or as consideration for any share or ticket of or in such lottery to the projector or advertiser thereof or to any person acting as his agent or on his behalf or otherwise acting or assuming to act for such projector or advertiser shall be entitled to the return thereof on demand and if such demand be not thereupon complied with the person refusing or neglecting compliance shall be liable to a penalty equal to *ten* times the amount or value of the money paid or thing given or deposited to be recovered in a summary way before two or more Justices of the Peace.

3. After the passing of this Act the Act of this Colony passed in the sixteenth year of Her Majesty's reign intituled "*An Act to prevent Lotteries*" shall extend to lands as well as to goods and every offence against the same in respect of land shall be subject to a penalty of *five hundred* pounds recoverable as by the same Act is provided with respect to the penalty of *one hundred* pounds there mentioned And every person who shall publish or circulate or assist in publishing or circulating any advertisement in a newspaper or handbill or otherwise of any projected or intended lottery or game or device made unlawful by that Act as now extended shall be liable to a penalty not exceeding *fifty* pounds nor less than *ten* pounds to be recovered in a summary way as aforesaid.

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## A BILL

To prohibit Lotteries and Advertisements thereof and for other purposes relating thereto.

(As amended in Committee of the Whole.)

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**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

- 5           1. After the passing of this Act the Act of this Colony passed in the sixteenth year of Her Majesty's reign intituled "*An Act to prevent* The 16th Victoria No. 2 extended.  
*Lotteries*" shall extend to land and other property and to all interest therein and to money or prizes representing money as well as to goods wares and merchandize and every offence against the said Act in  
10 respect of land shall be subject to a penalty of *five hundred* pounds recoverable by action at law at the suit of any person who shall sue for the same And every person who shall publish or circulate or assist in publishing or circulating any advertisement or notification in a  
15 newspaper or handbill or otherwise of any projected lottery or game or device made unlawful by that Act as now extended or shall with or without a consideration deliver put off or offer any ticket or card indicating a share (or entitling or purporting to entitle the owner or holder thereof to a share) in any such lottery or game or device shall  
20 be liable to a penalty not exceeding *fifty* pounds nor less than *ten* pounds to be recovered in a summary way before any two Justices of the Peace and every land or interest therein sold or disposed of in violation of this or the said Act or won or allotted at or by means of any such lottery or game or device shall be forfeited to Her Majesty.
- 25           2. Every division or proposed division of land or an interest in land and every purchase or procurement of land for division thereafter by lot or ticket and every other scheme of allotment whether of land or other property howsoever determined where the result is dependent on chances as in a lottery shall be deemed within the said Act of the  
30 said Act shall extend to any allotment or division of land among persons then jointly interested therein under the authority of a Court or otherwise or to the disposal of any work of art with the consent in writing of the Attorney-General. Special provisions allotting lands.

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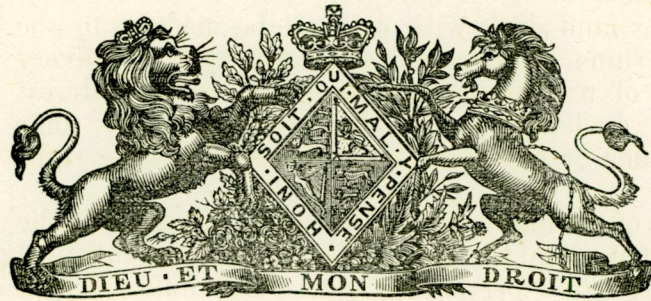
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This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber,  
Sydney, 2nd July, 1884. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

## New South Wales.



ANNO QUADRAGESIMO OCTAVO

# VICTORIÆ REGINÆ.

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No. .

An Act to extend and amend the Law respecting Lotteries.

**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

- 5           1. After the passing of this Act the Act of this Colony passed in the sixteenth year of Her Majesty's reign intituled "*An Act to prevent Lotteries*" shall extend to land and other property and to all interest therein and to money or prizes representing money as well as to goods wares and merchandize and every offence against the said Act in  
10 respect of land shall be subject to a penalty of five hundred pounds recoverable by action at law at the suit of any person who shall sue for the same. And every person who shall publish or circulate or assist in publishing or circulating any advertisement or notification in a newspaper or handbill or otherwise of any projected lottery or game or  
15 device made unlawful by that Act as now extended or shall with or without a consideration deliver put off or offer any ticket or card indicating a share (or entitling or purporting to entitle the owner or holder thereof to a share) in any such lottery or game or device shall

*Illegal Lotteries.*

be liable to a penalty not exceeding fifty pounds nor less than ten pounds to be recovered in a summary way before any two Justices of the Peace and any land or interest therein sold or disposed of in violation of this or the said Act or won or allotted at or by means of  
5 any such lottery or game or device shall be forfeited to Her Majesty.

2. Every proposed division or pretended division of land or purchase or procurement of land for the purpose of division by lot or ticket or other scheme dependent on chances as in a lottery and every allotting or scheme for allotting prizes whether in land money or other  
10 property as in a lottery whether dependent or not on the happening of any event where money is taken or charged for chances therein shall be deemed within the said Act of the sixteenth year of Her Majesty as extended by this Act. Provided that nothing herein shall extend to any division of land among persons then jointly in good faith interested  
15 therein where the value of the land allotted to each of the persons interested is or is intended to be in fair proportion to his legal or equitable interest in the land dealt with or shall be made so by the payment of a sum or sums of money or the conveyance delivery assignment or surrender of real or personal property or some interest  
20 therein for equality of exchange or by the performance of some condition or the surrender or extinguishment of some existing right or claim.

3. The provisions of the following Imperial Acts that is to say the Act tenth and eleventh of William the Third chapter seventeen intituled  
25 "*An Act for the more effectual preventing of excessive and deceitful Gaming*"—the Act twelfth of George the Second chapter twenty-eight intituled "*An Act for the Suppressing of Lotteries*"—and the Act forty-second of George the Third chapter one hundred and nineteen intituled "*An Act to suppress certain Games and Lotteries not authorized*  
30 *by law*" shall after the passing of this Act not be enforced in this Colony.

Certain purchases and schemes within the Act.

Imperial Acts 10 and 11 Wm. III c. 17  
12 Geo. II c. 28 and 42 Geo. III c. 119  
not to be enforced in this Colony.