

No. XXVIII.

BETTING HOUSES
SUPPRESSION.
—

An Act for the Suppression of Betting Houses. [7th April, 1876.]

Preamble.

WHEREAS it is expedient to suppress Betting Houses and to make other provision for mitigating as far as possible the mischief resulting from the facility and publicity now afforded to betting and similar forms of gambling 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:—

No house &c. to be kept for purpose of owner or occupier betting with other persons.

1. No house office room or other place shall be opened kept or used at any time for the purpose of any money or valuable thing being received by or on behalf of the owner occupier or keeper or
any

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any other person whosoever as or for the consideration for any assurance undertaking promise or agreement express or implied to pay or give thereafter any money or valuable thing on any event or contingency of or relating to any horse race or other race fight game sport or exercise or as or for the consideration for securing the paying or giving by some other person of any money or valuable thing on any such event or contingency as aforesaid and every house office room or other place opened kept or used for the purposes aforesaid or any of them is hereby declared to be a common nuisance.

2. Every house room office or place opened kept or used for the purposes aforesaid or any of them shall be deemed and taken to be a common gaming house within the meaning of the Act fourteenth Victoria number nine and the owner or keeper thereof and all persons found therein shall be liable to all the provisions of the said Act.

Betting houses to be gaming houses within 14 Vic. No. 9.

3. Any person who shall open keep or use any house office room or other place for the purposes aforesaid or any of them or who shall knowingly and wilfully permit the same to be opened kept or used by any other person for the purposes aforesaid or any of them and any person having the care or management of or in any manner assisting in conducting the business of any such house office room or place opened kept or used for the purposes aforesaid or any of them shall on summary conviction thereof before any two Justices of the Peace be liable to forfeit and pay such penalty not exceeding one hundred pounds as shall be adjudged by such Justices and may be further adjudged by such Justices to pay such costs attending such conviction as the said Justices shall deem reasonable and on the non-payment of such penalty and costs or in the first instance if to the said Justices it shall seem fit may be imprisoned with or without hard labor for any time not exceeding six calendar months.

Penalty on owner or occupier of betting house.

4. Any person being the owner or occupier of any house office room or place opened kept or used for the purposes aforesaid or any of them and any person acting for or on behalf of or as manager or assistant to any such owner or occupier who shall receive directly or indirectly any money or valuable thing as a deposit on any bet on condition of paying any sum of money or other valuable thing on the happening of any event or contingency of or relating to a horse race or any other race or any fight game sport or exercise or as or for the consideration for any assurance undertaking promise or agreement express or implied to pay or give thereafter any money or valuable thing on any such event or contingency and any person giving any acknowledgment note security or draft on the receipt of any money or valuable thing so paid or given as aforesaid purporting or intended to entitle the bearer or any other person to receive any money or valuable thing on the happening of any such event or contingency as aforesaid shall upon summary conviction thereof before two Justices of the Peace forfeit and pay such penalty not exceeding fifty pounds as shall be adjudged by such Justices and may be further adjudged by such Justices to pay such costs attending such conviction as to the said Justices shall seem reasonable and on the non-payment of such penalty and costs or in the first instance if to such Justices it shall seem fit may be imprisoned with or without hard labour for any time not exceeding three calendar months.

Penalty on persons receiving money on condition of paying money on event of any bet.

5. Any money or valuable thing received by any such person aforesaid as a deposit on any bet or as or for the consideration for any such assurance undertaking promise or agreement as aforesaid shall be deemed to have been received to or for the use of the person from whom the same was received and such money or valuable thing or the value thereof may be recovered accordingly with costs in any Court of competent jurisdiction.

Money so received may be recovered from the persons receiving the same.

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This Act not to extend to stakes due to owner of horse winning a race.

6. Nothing in this Act contained shall extend to any person receiving or holding any money or valuable thing by way of stakes or deposit to be paid to the winner of any race or lawful sport game or exercise or to the owner of any horse engaged in any race.

Penalty on persons exhibiting placards or advertising betting houses.

7. Any person exhibiting or publishing or causing to be exhibited or published any placard handbill card writing sign or advertisement whereby it shall be made to appear that any house office room or place is opened kept or used for the purpose of making bets or wagers in manner aforesaid or for the purpose of exhibiting lists for betting or with intent to induce any person to resort to such house office room or place for the purpose of making bets or wagers in manner aforesaid or any person who on behalf of the owner or occupier of any such house office room or place or person using the same shall invite other persons to resort thereto for the purpose of making bets or wagers in manner aforesaid shall upon summary conviction thereof before two Justices of the Peace forfeit and pay a sum not exceeding thirty pounds and may be further adjudged by such Justices to pay such costs attending such conviction as to the said Justices shall seem reasonable and on the non-payment of such penalty and costs or in the first instance if to such Justices it shall seem fit may be imprisoned with or without hard labor for any time not exceeding two calendar months.

Penalty on persons advertising as to betting.

8. If any person shall send exhibit or publish or cause to be sent exhibited or published any letter circular telegram placard handbill card or advertisement—

- (1.) Whereby it is made to appear that any person either in this Colony or elsewhere will on application give information or advice for the purpose of or with respect to any such bet or wager or any such event or contingency as hereinbefore mentioned or will make on behalf of any other person any such bet or wager as is hereinbefore mentioned
- (2.) Or with intent to induce any person to apply to any house office room or place or to any person with the view of obtaining information or advice for the purpose of any such bet or wager or with respect to any such event or contingency as is hereinbefore mentioned
- (3.) Or inviting any person to make or take any share in or in connection with any such bet or wager

such person shall be subject to the penalties provided in the seventh section of this Act with respect to offences under that section and to be recovered as therein provided.

Penalties and costs may be levied by distress.

9. If any person convicted under this Act on information before Justices shall be adjudged to pay any penalty or any costs and charges attending the conviction and shall fail to pay such penalty or costs the same may be levied by distress and sale of the goods and chattels of the offender by warrant under the hand and seal of one of the convicting Justices Provided always that if any person shall be committed to prison for default of payment of any penalty and costs then the costs alone may be levied by distress as aforesaid.

Justices may authorize search of suspected houses.

10. It shall be lawful for any Justice of the Peace upon complaint made before him on oath that there is reason to suspect any house office room or place to be kept or used as a betting house or office contrary to this Act to give authority by special warrant under his hand when in his discretion he shall think fit to any constable or other person belonging to the constabulary force to enter with such assistance as may be found necessary into such house office room or place and if necessary to use force for making such entry whether by breaking open doors or otherwise and to arrest search and bring before any two Justices of the Peace all such persons found therein and to seize all moneys coin notes cheques I.O.U.'s or other writings for securing the

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the payment of money and all lists cards or other documents relating to racing or betting found in such house room office or place all of which may on conviction of any of such persons be adjudged to be forfeited or destroyed and any such warrant may be according to the form given in the First Schedule to the Act fourteenth Victoria number nine And every person found in such house room office or place without lawful excuse shall be liable to a penalty not exceeding fifty pounds to be recovered in a summary way and in default of immediate payment together with costs may be imprisoned for any period not exceeding three calendar months.

11. Upon its being made to appear to the satisfaction of any Justice by the oath of the complainant or other credible person that any person charged with the commission of any offence under this Act is about to depart immediately from the Colony and will thereby probably evade punishment it shall be lawful for such Justice to issue his warrant for the apprehension of the person so charged for the purpose of his being brought before the same or any other Justice to be dealt with according to law.

A Justice may issue a warrant to arrest any offenders leaving the Colony.

12. Any person feeling himself aggrieved by any conviction or penalty or charge imposed under the authority of this Act where the penalty or sum exceeds five pounds may appeal against the same to the next Court of Quarter Sessions holden in the district where the subject matter thereof arose unless such Quarter Sessions shall be held within fourteen days from the date of such conviction or judgment and in that case to the Court of Quarter Sessions then next following And such Court shall have power to hear and determine the matter in a summary way and shall have and exercise all other powers vested in them by the third section of the Act fifth William the Fourth number twenty-two and the decision of such Court shall be final and conclusive in respect to the subject matter of such appeal Provided always that the person so appealing shall have given written notice seven days at the least before the hearing of such appeal of his intention to appeal and stating the grounds thereof to any one of the convicting Justices and to the person who prosecuted the matter before the Justices in Petty Sessions and provided also that the person convicted (in case a penalty shall have been awarded against him) shall within twenty-four hours next after conviction pay into the hands of the convicting Justices the full amount thereof together with the costs awarded and also enter into a bond with two sureties approved by such Justices conditioned to prosecute such appeal with effect and to abide the event of such appeal and to pay the full amount of all such costs as may on such appeal be awarded against him.

Appeal allowed to Quarter Sessions.

13. No information conviction warrant order or other proceeding before or by any Justice or Justices of the Peace or on appeal therefrom for any offence under this Act shall be quashed or set aside or adjudged void or insufficient for want of form or be removed by *certiorari* or otherwise into Her Majesty's Supreme Court for the said Colony.

No objection in matter of form and *certiorari* taken away.

14. No plaintiff shall recover in any action for any irregularity trespass or other wrongful proceeding made or committed in the execution of this Act or in under or by virtue of any authority hereby given if tender of sufficient amends shall have been made by or on behalf of the party who shall have committed such irregularity trespass or other wrongful proceeding before such action brought and in case no tender shall have been made it shall be lawful for the defendant in any such action by leave of the Court where such action shall depend at any time before issue joined to pay into Court such sum of money as he shall think fit whereupon such proceeding order and adjudication shall be had and made in and by such Court as in other actions where defendants are allowed to pay money into Court.

Tender of amends &c.

Agreements Validating.

Limitation of actions.

15. No action suit or information or any other proceeding of what nature soever shall be brought against any person for anything done or omitted to be done in pursuance of this Act or in the execution of the authorities under this Act unless notice in writing shall be given by the party intending to prosecute such suit information or other proceeding to the intended defendant one calendar month at least before prosecuting the same nor unless such action suit information or other proceeding shall be brought or commenced within three calendar months next after the act or omission complained of or in case there shall be a continuation of damage then within three calendar months next after the doing such damage shall have ceased.

What to be deemed
a public place.

16. Where an act committed in any place is by this statute made punishable or a person there committing such act is made liable to apprehension the place of commission shall be deemed public for the purposes of the enactment if the same (although a vessel vehicle or room only or a place ordinarily private) was at the time lawfully used for a public purpose or was open to the public on the payment of money or otherwise.
