

CAP. XV.

An Act for the Prevention and Suppression of Lotteries in this Colony.

[Passed 13th April, 1864.]

WHEREAS it is expedient to prevent and suppress Lotteries in this Colony. Preamble.

Be it therefore enacted, by the Governor, Legislative Council, and Assembly, in Legislative Session convened, as follows:—

I.—If any person make, print, advertise, or publish, or procure to be made, printed, advertized, or published, any proposal, scheme, or plan, for holding a Lottery, or for advancing, lending, giving, selling, or in any way disposing of any money, or any other property, by lots, cards, tickets, dice, or any mode of chance whatever, or sell, barter, exchange, give, lend, or otherwise dispose of, or cause, or procure, or aid, or assist, in the sale, barter, exchange, gift, or loan of any money, or property, or of any lot, card, ticket, or other means or device, for advancing, lending, giving, selling, or otherwise disposing of, any money or property, by lots, tickets, or any mode of chance, whatever, such person shall, upon conviction thereof in a summary manner before any Stipendiary Justice of the Peace, forfeit a sum not exceeding Fifty Dollars for every such offence, together with costs; which forfeiture and costs shall be levied by distress and sale of the offender's goods by warrant under the hand and seal of such Justice; and such forfeiture shall be applied one-half to the person suing for the same, and the other half to the Receiver General for the use of the colony. Penalty for publishing or holding a lottery of anykind.

How enforced and applied.

II.—Any person buying, bartering, exchanging, taking, or receiving any such money or property, or any such lot, card, ticket, or other device, as in the first section of this Act mentioned, shall, upon conviction thereof in like manner as therein mentioned, forfeit the sum of Twenty Dollars for such offense, to Penalty for buying and receiving lottery tickets.

be recovered with costs, and to be applied as aforesaid.

Sales, gifts, &c.,
founded in lot-
teries, to be null
and void.

III.—Any sale, loan, gift, barter, or exchange of any money or any property by any lottery ticket, card or other mode of chance whatever, depending upon or to be determined by chance or lot, shall be void to all intents and purposes whatsoever; and all such money or property so sold, lent, given, bartered, or exchanged, shall be forfeited to such person as will sue for the same by action or information in any Court of Record in this colony.

Forfeiture.

As to purcha-
sers without no-
tice.

IV.—No such forfeiture shall affect any right or title to such property acquired by any *bona fide* purchaser for valuable consideration, without notice.

Committed for
non-payment of
penalties

V.—If any person so convicted as aforesaid have not sufficient goods and chattels whereon to levy the penalties authorized by this Act, or do not immediately pay the said penalties, the Justice convicting such person shall commit him to the common gaol of the district in which the offense was committed, for a period not exceeding three months, unless such fine and costs be sooner paid.

Act not to ex-
tend to bona fide
division of pro-
perty held in
common.

VI.—Nothing in this Act contained shall prevent joint-tenants, tenants in common, or persons having joint interests in any property, from dividing such property by lot or chance in the same manner as if this Act had not been passed; and it shall be lawful for the Magistrates, during any seasons of general festivity and other special occasions, to license and permit the holding of Cake, Bazaar, and other Lotteries, if of a character which they shall regard as unobjectionable, upon such conditions as they may consider necessary for the preservation of order and propriety.

Limitation of
suits.

VII.—The prosecution of every offense punishable under this Act shall be commenced within two months next after the commission of such offense, and not afterwards.