

Laws of Her Majesty's Province of United Canada, passed in the year 1856. Quebec: Stewart Derbyshire and George Desbarts, 1856.

20 Victoria – Chapter 49

An Act for the suppression of Lotteries. Assented to 19th June, 1856.

Whereas it is desirable that the practice of selling lands, goods and chattels by lot or chance be prohibited by law, and any such sales declared void: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. If any person shall after the passing of this Act, make, print, advertise or publish, or cause or procure to be made, printed, advertised or published, any proposal, scheme, or plan, for advancing, lending, giving, selling, or in any way disposing of any property, either real or personal, by lots, cards, tickets, or any mode of chance whatever, or shall sell, barter, exchange, or otherwise dispose of, or cause or procure, or aid or assist, the sale, barter, exchange, or other disposal of, or offer for sale, barter or exchange, any lot, card, ticket, or other means or device, for advancing, lending, giving, selling, or otherwise disposing of any property, real or personal, by lots, tickets, or any mode of chance whatever, such person shall, upon conviction thereof, before any Mayor, Alderman, or other Justice of the Peace, upon the oath of any one or more credible witnesses, or upon confession thereof, forfeit and lose the sum of Five Pounds for each and every such offence, together with costs, to be levied by distress and sale of the offender's goods, by warrant under the hand and seal of any such Mayor, Alderman, or other Justice of the Peace, of the city, town, county or place where such offence shall be committed, which said forfeiture shall be applied half to the informer, and the other half shall be paid to the Treasurer or Chamberlain of the Municipality in which such offence shall be committed, and shall form part of the funds thereof.

II. Any person buying, bartering, exchanging, taking or receiving 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 and lose the sum of Five Pounds, for each offence, to be recovered and applied as aforesaid.

III. Any sale, loan, gift, barter or exchange of any real or personal 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 real or personal property so sold, lent, given, bartered or exchanged, shall be forfeited to such person as shall sue for the same by action, bill or information in any Court of Record in this Province; Provided always, that no such forfeiture shall affect any right or title to such real or personal property acquired by any *bonâ fide* purchaser for valuable consideration without notice.

IV. If any person so convicted by any Mayor, Alderman, or other Justice as aforesaid, shall not have sufficient goods and chattels whereon to levy the penalties authorized by this Act, or shall not immediately pay the said penalties, or give security for the same, such Mayor, Alderman, or other Justice, convicting such person, shall commit such person to the common Gaol of the County or

District in which such offence was committed, for a period not exceeding three calendar months, or until such fine and costs are paid.

V. The provisions of this Act shall extend to the printing or publishing, or causing to be printed or published, of any advertisement, scheme, proposal or plan of any foreign lottery, and to the sale, or offer for sale, of any ticket, chance, or share, in any such lottery, or to the advertisement for sale of such ticket, chance, or share.

VI. The term “personal property” in this Act shall include every description of money, chattel and valuable security, and every kind of personal property whatever; and the term “real property” shall include every description of land, and all estates and interests therein.

VII. Any person convicted under this Act, shall have the same right of appeal from the judgment of the convicting Justice, as in other cases of summary convictions, where an appeal is allowed by law.

VIII. Nothing in this Act contained shall prevent joint tenants, or tenants in common, or persons having joint interests, *droits indivis*, in any real or personal property, from dividing such property by lot or chance in the same manner as if this Act had not been passed.

IX. This Act shall commence and take effect on the first day of January next.