

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.*

*Legislative Council,  
18th June, 1880.*

*Hon. Mr. Whitaker.*

## Gaming and Lotteries.

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## A BILL INTITULED

Title. AN ACT for the Suppression of Gaming and Betting Houses, and for the more effectual Abolition of Lotteries.

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

Short Title. 1. The Short Title of this Act is "The Gaming and Lotteries Act, 1880." 5

Interpretation. 2. The term "gaming house" includes betting house, and any house, room, premises, or place where any lottery is conducted. "Public place" includes road, street, footway, court, alley, open place, and thoroughfare of every sort, notwithstanding the same or any part thereof may be situate on private property, and also all places 10 wherever the public may assemble, and whether money may be paid by the public for admission to such places or not.

## GAMING HOUSES.

Warrant to enter, search, and seize on premises. 3. Any Justice of the Peace, upon complaint made before him on oath that there is reason to suspect any house, room, premises, or 15 place to be kept or used as a common gaming house, and that it is commonly reported and believed by the deponent so to be, may give authority, by special warrant under his hand in the form contained in the Schedule A hereto, when in his discretion he shall think fit, to any constable or peace officer to enter with such assistance as 20 may be found necessary into such house, room, premises, 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 all such persons found therein, and to seize all tables and instruments of gaming found in such house, room, 25 premises, or place, and also to seize all moneys and securities for money found therein.

Schedule A.

The constable or peace officer making such entry as aforesaid, in obedience to any such warrant, may search all parts of the house room, premises, or place which he shall have so entered where he 30 shall suspect that tables or instruments of gaming are concealed, and all persons whom he shall find therein, and may seize all tables and instruments of gaming found in such house, room, premises, or place, and also may seize all moneys found therein.

Penalty on owner or keeper of a gaming table. 4. The owner or keeper of the said gaming house, or other person 35 having the care or management thereof, and also every banker, croupier, and other person who acts in any manner in conducting the said gaming house, room, premises, or place, shall be liable on conviction to a penalty of not more than *one hundred* pounds, or, in the discretion of the 40 Justices before whom he shall be convicted of the offence, to be committed to the nearest gaol with or without hard labour for any term not exceeding *six* months.

Upon the conviction of any such offender all the moneys and securities for money which shall have been seized as aforesaid shall be 45 forfeited to Her Majesty, and every person found in such house, room, premises, or place, without lawful excuse, shall be liable to a penalty of not more than *five* pounds.

Evidence of being a common gaming house.

5. In default of other evidence proving any house, room, premises, or place to be a common gaming house or place for gaming, it shall be sufficient, in support of the allegation in any indictment or information 50 that any house, room, premises, or place is a common gaming house or place for gaming, to prove that such house, room, premises, or place is

kept or used for playing therein at any unlawful game, and that a bank is kept there by one or more of the players exclusively of the others, or that the chances of any game played therein are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the other players stake, play, or bet.

Every such house, room, premises, or place shall be deemed a common gaming house or place for gaming such as is contrary to law and forbidden to be kept by all Acts containing any provision against unlawful games or gaming houses.

6. It shall not be necessary, in support of any information for gaming in, or suffering any games or gaming in, or for keeping or using or being concerned in the management or conduct of, a common gaming house or place for gaming, to prove that any person found playing at any game was playing for any money, wager, or stake.

Proof of gaming for money.

7. Where any cards, dice, balls, counters, tables, or other instruments of gaming used in playing any unlawful game are found in any house, room, premises, or place suspected to be used as a common gaming house or place for gaming, and entered under a warrant under the provisions of this Act, or about the person of any of those who shall be found therein,

Evidence of gaming.

It shall be evidence, until the contrary be made to appear, that such house, room, premises, or place is used as a common gaming house, and that the persons found in the room or place where such tables or instruments of gaming shall have been found were playing therein, although no play was actually going on in the presence of the constable or peace officer entering the same under such warrant, or in the presence of those persons by whom he shall be accompanied as aforesaid:

And the Justices before whom any person is taken by virtue of the said warrant may direct all such tables and instruments of gaming to be forthwith destroyed.

8. Every person playing or betting, by way of wagering or gaming, in any public place, at or with any table, instrument, or means of wagering or gaming, or any coin, card, token, or other article used as an instrument or means of such wagering or gaming, at any game or pretended game of chance, shall, on conviction thereof, be liable to a penalty not exceeding *fifty* pounds, or, in the discretion of the convicting Justices, to be imprisoned with or without hard labour for any term not exceeding *three* months.

Gaming with instruments prohibited.

The instrument known as the totalizer, and every machine or instrument of a like kind, or conducted upon the like principle, shall be an instrument for gaming or wagering within the meaning of this Act, except the same be used in conformity with the provisions hereinafter contained in sections *forty-eight* and *forty-nine* of this Act.

Use of totalizer to be gaming.

Every such table, instrument, coin, card, token, or other article may be seized and taken possession of by any police officer or constable, and forthwith destroyed.

9. The Chinese game known as Fan Tan, or any similar game, is hereby declared to be a game of chance within the meaning of this Act.

Chinese Fan Tan declared an illegal game.

#### BETTING HOUSES.

10. No house, office, room, or other place shall be opened, kept, or used

For the purpose of the owner, occupier, or keeper thereof, or any person using the same, or any person procured or employed by or acting for or on behalf of such owner, occupier, or keeper, or person using the same, or of any person having the care or management or in any manner conducting the business thereof, betting with persons resorting thereto, or

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

For the purpose of any money or valuable thing being received by or on behalf of such owner, occupier, keeper, or person as aforesaid, 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. 5 10

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 and contrary to law.

Betting houses to be gaming houses.

11. Every house, room, office, or place opened, kept, or used for the purposes recited in the last-mentioned section, or any of them, shall be taken and deemed to be a common gaming house. 15

Penalty on owner of betting house.

12. Any person who, being the owner or occupier of any house, office, room, or other place, or a person using the same, shall open, keep, or use the same for the purposes hereinbefore mentioned or any of them ; or 20

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 house, office, room, or place opened, kept, or used for the purposes aforesaid or any of them, 25

Shall be liable on conviction to a penalty of not more than *one hundred* pounds, or, in the discretion of the Justices before whom he shall be convicted of the offence, to be committed to the nearest gaol with or without hard labour for any term not exceeding *six* calendar months. 30

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

13. 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, or any person acting for or on behalf of any such owner or occupier, or any person having the care or management or in any manner assisting in conducting the business thereof, who shall receive directly or indirectly any money or valuable thing 35

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 40

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, 45

Shall be liable on conviction to a penalty of not more than *fifty* pounds, or, in the discretion of the Justices by whom he shall be convicted of the offence, to be committed to the nearest gaol with or without hard labour for any term not exceeding *three* calendar months. 50

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

14. Any money or valuable thing received by any such person as 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 full costs of suit in any Court of competent jurisdiction. 55 60-

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 15. 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 the 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

Penalty on persons exhibiting placards or advertising betting houses.

Any person who, on behalf of the owner or occupier of any such house, office, room, or place, or persons using the same, shall invite other persons to resort thereto for the purpose of making bets or wagers in manner aforesaid,

Shall be liable on conviction to a penalty of not more than *thirty* pounds, or, in the discretion of the Justices before whom he shall be convicted of the offence, to be committed to the nearest gaol with or without hard labour for any term not exceeding *two* calendar months.

LOTTERIES.

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 16. No person, under any pretence, form, denomination, or description whatsoever, or by means of any device or contrivance whatsoever, shall sell or dispose of, or agree or promise, whether with or without consideration, to sell or dispose of any real or personal property whatsoever, to or among any person or persons whomsoever, by means of any game of chance, or of any other contrivance or device whatsoever, whereby any such real or personal property shall be sold or disposed of, or divided or allotted to or among any person or persons, by lottery or chance, whether by the throwing or casting of any dice, or the drawing of any tickets, cards, lots, numbers, or figures, or by means of any wheel, or otherwise howsoever.

Sale or disposal of lands, ships, or goods by means of any game of skill or chance, or by lottery, prohibited.

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 17. Every person who shall, contrary to the provisions hereof, sell or dispose of, or agree or promise, whether with or without consideration, to sell or dispose of, any lands or tenements, or any estate or interest therein, or of any ship or vessel, goods, wares, or merchandise whatsoever, shall for every such offence forfeit and pay a sum not exceeding *one hundred* pounds.

Penalties for infringing Act.

18. Any person who shall establish, commence, or keep, or

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 24. All constables and officers of police may enter into any house, room, premises, or place where any public table or board is kept for playing at billiards, bagatelle, bows, fives, racket, quoits, skittles, or nine-pins, or any game of the like kind, when and so often as such

Police may enter premises where billiards, &c., played.

GENERAL PROVISIONS.

## SWEEPSTAKES.

Sweepstakes deemed to be lotteries.

19. Every transaction wherein any money or valuable thing is received as or for the consideration for any assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter to or among any person or persons, by lottery or chance, whether by the throwing or casting of any dice, or the drawing of any tickets, cards, lots, numbers, or figures, or by means of any wheel or otherwise howsoever, 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 scheme of the nature commonly known as a sweepstake shall be deemed to be a lottery within the meaning of this Act, and the provisions of this Act shall apply in respect thereto accordingly.

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## ART UNIONS.

Interpretation of term "Art Union."

20. The term "Art Union" means any voluntary association which has been or may hereafter be formed in any part of New Zealand for the purchase of paintings, drawings, sculpture, or other works of art to be afterwards allotted and distributed by chance or otherwise among the several members, subscribers, or contributors forming part of such association, or for raising sums of money by subscription or contribution to be allotted and distributed by chance or otherwise as prizes amongst the members, subscribers, or contributors forming part of such association, on the condition, nevertheless, that such sums of money so allotted and distributed be expended solely and entirely in the purchase of paintings, drawings, sculpture, or other works of art.

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Act not to apply to Art Unions.

21. The provisions of this Act and of any other Act prohibiting lotteries shall not apply to any Art Union as hereinbefore defined :

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Provided that no association shall be deemed to be an Art Union unless the deed of partnership or other instrument or instruments constituting such association, and the rules and regulations relating to the proceedings of such association, shall have first been submitted to the consideration and be approved of by Her Majesty's Attorney-General for the colony, and a copy thereof, duly certified by the said Attorney-General, have been deposited in the Colonial Secretary's office.

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Clause to be inserted in instrument constituting Art Union, empowering the Governor in Council to annul the instrument so far as relates to disposal by lottery.

22. In every deed or instrument constituting any Art Union there shall be inserted a clause that it shall be lawful for the Governor in Council, whenever it shall appear that any Art Union has ceased to be an Art Union within the meaning and for the purposes of this Act, to annul the deed or instrument of association under which such Art Union shall have been constituted, so far as relates to the powers of allotment, disposal, or distribution aforesaid.

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Art Union, the instrument of association of which has been annulled, to cease to be an Art Union for the purposes of the Act.

23. From and after the date of the publication in the *Gazette* of an Order in Council annulling for the purposes aforesaid any deed or instrument of association, the Art Union whose deed or instrument of association shall have been so annulled shall cease to be an Art Union within the meaning of this Act.

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25. Any person who shall wilfully prevent any constable or officer, authorized under this Act to enter any house, room, or place, from entering the same or any part thereof, or who shall obstruct or delay any such constable or officer in so entering; and

Penalty on persons obstructing the entry of constables authorized to enter any house suspected to be a common gaming house.

Any person who by any bolt, bar, chain, or other contrivance, shall secure any external or internal door of or means of access to any house, room, or place so authorized to be entered, or shall use any means or contrivance whatsoever for the purpose of preventing, obstructing, or delaying the entry of any constable or officer authorized as aforesaid into any such house, room, or place, or any part thereof,

Shall be liable on conviction to a penalty of not more than *one hundred* pounds, or, in the discretion of the Justices before whom he shall be convicted of the offence, to be committed to the nearest gaol with or without hard labour for any term not exceeding *six* calendar months.

26. Where any constable or officer authorized under this Act to enter any house, room, or place, is wilfully prevented from or obstructed or delayed in entering the same, or any part thereof; or

Obstructing entry of constables to be evidence of house being a common gaming house.

Where any external or internal door of or means of access to any such house, room, or place so authorized to be entered shall be found to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purpose of preventing, delaying, or obstructing the entry into the same or any part thereof of any constable or officer authorized as aforesaid, or for giving an alarm in case of such entry;

Or if any such house, room, or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing, or destroying any instruments of gaming,

It shall be evidence, until the contrary be made to appear, that such house, room, or place is used as a common gaming house within the meaning of this Act, and that the persons found therein were unlawfully playing therein.

27. If any person found in any house, room, or place entered by any constable or officer authorized as aforesaid to enter the same, upon being arrested by any such constable or officer, or upon being brought before any Justices, on being required by such constable or officer or by such Justices to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he shall be liable, on conviction before the same or any other Justice, to a penalty of not more than *fifty* pounds, or, in the discretion of the Justices before whom he shall be convicted of the offence, to be committed to the nearest gaol for any term not exceeding *one* month.

Penalty on persons apprehended for giving false names or addresses.

28. Any person, being the owner or occupier or having the use of any house, room, or place, who shall open, keep, or use the same for the purpose of unlawful gaming being carried on therein, and

Penalties on persons keeping gaming houses.

Any person who, being the owner or occupier of any house or room, shall knowingly and wilfully permit the same to be opened, kept, or used by any other person for the purpose aforesaid, and

Any person having the care or management of or in any matter assisting in conducting the business of any house, room, or place opened, kept, or used for the purpose aforesaid, and any person who shall advance or furnish money for the purpose of gaming with persons frequenting such house, room, or place,

Shall be liable on conviction to a penalty of not more than *five hundred* pounds, or, in the discretion of the Justices before whom he shall be convicted of the offence, be committed to the nearest gaol with or without hard labour for any term not exceeding *twelve* calendar months.

29. The Justices, before whom any persons shall be brought who have been found in any house, room, or place entered in pursuance of any authority granted under this Act, may require of any such persons

Justices may require any of the persons apprehended to be sworn and give evidence.

to be examined on oath and give evidence touching any unlawful gaming in such house, room, or place, or touching any act done for the purpose of preventing, obstructing, or delaying the entry into such house, room, or place, or any part thereof, of any constable or officer authorized as aforesaid. 5

Penalty on refusing to be sworn.

No person so required to be examined as a witness shall be excused from being so examined when brought before such Justices as aforesaid, or from being so examined at any subsequent time by or before the same or any other Justices, or by or before any Court, on any proceeding or the trial of any indictment, information, action, or suit in anywise relating to such unlawful gaming or any such acts as aforesaid, or from answering any question put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself: 10

And any such person so required to be examined as a witness 15 who refuses to make oath accordingly, or to answer any such question as aforesaid, shall be subject to be dealt with in all respects as any person appearing as a witness before any Justices or Court in obedience to a summons or subpoena, and refusing without lawful cause or excuse to be sworn or to give evidence, may by law be dealt with. 20

Persons required to be examined as witnesses and making a full discovery to be freed from all penalties.

30. Every person so required to be examined as a witness as aforesaid who, upon such examination, shall make true and faithful discovery to the best of his knowledge of all things as to which he is so examined, shall receive from the Justices or Judge of the Court by whom he is examined a certificate in writing to that effect, and shall 25 be freed from all criminal prosecutions and penal actions, and from all penalties, forfeitures, and punishments, to which he may have become liable for anything done before that time, in respect of the matters touching which he has been so examined;

But such witness shall not be indemnified under this Act unless 30 he receive from such Justices or Judge a certificate in writing under their hands stating that such witness has on his examination made a true disclosure touching all things as to which he has been examined;

And if any action, information, or indictment be at any time pending in any Court against any person so examined in respect of 35 any act of gaming touching which he was so examined as a witness in manner before mentioned for any such matter or thing, such Court shall on the production and proof of such certificate stay the proceedings in any such action, information, or indictment, and may in its discretion award to such person such costs as he may have been 40 put to by such action, information, or indictment.

Indemnity of witnesses.

31. Every person concerned in any unlawful gaming, and who is examined as a witness by or before any Justices, or on the trial of any indictment or information against the owner or keeper or other person having the care or management of any common gaming house or place 45 for gaming, touching such unlawful gaming,

And who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and shall thereupon receive from the Justices or Judge of the Court by or before whom he shall be so examined a cer- 50 tificate in writing to that effect,

Shall be freed from all criminal prosecutions and from all forfeitures, punishments, and disabilities to which he may have become liable for anything done before that time in respect of such unlawful gaming. 55

Cheating at play.

32. Every person who shall—

(a) By any fraud or unlawful device or ill practice in playing at or with cards, dice, tables, or other game, or in bearing a part in the stakes, wagers, or adventures, or in betting on the sides or hands of them that do play; or 60



(b) In wagering on the event of any game, sport, pastime, or exercise, win from any other person to himself or any other any sum of money or valuable thing shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence with intent to cheat or defraud such person of the same, and being convicted thereof shall be punished accordingly.

33. All contracts or agreements, whether by parol or in writing, by way of gaming or wagering, shall be null and void, and no suit shall be brought or maintained in any Court of law or equity for recovering any sum of money or valuable thing alleged to be won upon any wager, or which shall have been deposited in the hands of any person to abide the event on which any wager shall have been made.

Wagers not recoverable at law.

15 Provided that this provision shall not be deemed to apply to any subscription or contribution or agreement to subscribe or contribute for or toward any plate, prize, or sum of money to be awarded to the winner of any lawful game, sport, pastime, or exercise.

34. 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.

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

35. In every case in which any person in any respect offends against this Act or any provision therein, where no other penalty in that behalf is specifically imposed such person shall for every such offence forfeit and pay on conviction a penalty or sum not exceeding twenty pounds.

Cases not specially provided for, and recovery of penalties.

36. The Justices by whom any person shall be convicted, and adjudged to pay any sum of money by way of fine, forfeiture, or compensation for any offence under this Act, may adjudge that such person shall pay the same, together with reasonable costs, to be fixed by such Justices, either immediately, or within such period as the said Justices shall think fit.

Penalty and costs to be paid within any time ordered by convicting Justices; on failure warrant of distress may issue or party be imprisoned.

In case such sum of money shall not be paid at the time so appointed the same shall be levied by distress and sale of the goods and chattels of the offender, together with the reasonable charges of such distress; and, for want of sufficient distress, or in the discretion of such Justices without making any such distress, such offender shall be imprisoned with or without hard labour in any gaol as to the convicting Justices shall seem meet, for any term not exceeding one month where the sum remaining unpaid shall not exceed five pounds, and for any term not exceeding two months where such sum shall not exceed ten pounds, or for any term not exceeding six months where such sum shall exceed ten pounds; the term to cease in each of the cases aforesaid upon payment of the sum due.

37. When any distress shall be made for any money to be levied by virtue of the warrant of any Justices under this Act the distress shall not be deemed unlawful nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the information, summons, warrant of apprehension, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser from the beginning on account of any irregularity which shall be afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage by an action on the case in any Court of record.

Distress not unlawful for want of form.

38. No plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of the provisions of this Act, or in or under or by virtue of any authority thereby given, if tender of sufficient amends be made by or on behalf of the party who has committed such irregularity, trespass, or

Tender of amends.

other wrongful proceeding before such action brought, and, in case no tender be made, the defendant in any such action may, by leave of the Court where such action depends, at any time before issue joined pay into Court such sum of money as he thinks 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. 5

Limitation of actions.

39. 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 the provisions of this Act, or in the execution of the authorities thereunder, unless notice in writing be given by the party intending to prosecute such suit, information, or other proceeding to the intended defendant one month at least before prosecuting the same, nor unless such action, suit, or information, or other proceeding be brought or commenced within three months next after the act or omission complained of, or, in case there be a continuation of damage, then within three months next after the doing such damage shall have ceased. 10 15

Proceeding by indictment.

40. Nothing herein contained shall prevent any proceeding by indictment, or information in the nature of an indictment, against the owner or keeper or other person having the care or management of any gaming house, or any room, premises, or place for gaming, but no person who shall have been summarily convicted of any such offence shall be liable to be proceeded against by indictment or information for the same offence. 20 25

Offences may be set forth in words of this Act.

41. Under this Act in every information in writing and in every conviction it shall be sufficient to set forth the offence or cause of forfeiture, as the case may be, in the words of this Act.

Procedure.

42. All offences and all penalties under this Act, where not otherwise provided for, may be heard, and determined, and recovered in a summary way, in the manner provided by "The Justices of the Peace Act, 1866," so far as the same relates to summary convictions and orders, before two Justices or a Resident Magistrate. 30

Appeal.

43. If any person feel aggrieved by any summary judgment, act, determination, order, or conviction under this Act he may appeal therefrom in the manner provided by "The Appeals from Justices Act, 1867," or by any other Act in force for the time being regulating appeals from Justices. 35

Penalties appropriated.

44. All moneys arising from fines, penalties, and forfeitures under this Act shall be appropriated as follows unless otherwise specially directed:—One moiety to the informer or the person prosecuting and the other moiety to the Consolidated Fund: Provided that, whenever in any of the above cases the informer or person prosecuting is a member of the police force, the whole shall be paid to the Consolidated Fund. 40 45

Want of form.

45. No information, conviction, warrant, order, or other proceeding before or by any Justice or on appeal therefrom for any offence under this Act shall be quashed for want of form.

Assaulting or resisting constables, &c.

46. If any person resist or assault, or incite or encourage any person to resist or assault, any officer or constable in the execution of his duty, such person shall forfeit a penalty not exceeding twenty pounds, or be liable to imprisonment for any period not exceeding three months, and the Justices before whom any such case is heard may order and award, besides any such penalty, a sum sufficient to cover any damage and costs which any such officer or constable has sustained by such assault or resistance, such sum to be recoverable in the same manner as the penalty. 50 55

Informer's costs. Schedule.

47. In every case under this Act the informer or person prosecuting shall be entitled to his costs and charges, to be ascertained and assessed by the Justices before whom the case is heard. 60

48. Notwithstanding anything in this Act hereinbefore contained, it shall be lawful for the Colonial Secretary, on the application of any racing club, to grant to such club a license or authority to use the totalizator at horse-racing meetings held under the control or management of such club, subject to the following conditions, viz. :—

Colonial Secretary may grant a license to use totalizator.

(1.) Before the application of the racing club is disposed of by the Colonial Secretary it shall be referred to the senior Resident Magistrate of the principal town of the provincial district in which the racing club is established for his report and recommendation thereon :

Conditions.

(2.) The authority or license shall be in writing, and shall be revocable at any time the Colonial Secretary thinks fit to determine the same, either by written notice to the club or by notice published in the *New Zealand Gazette* :

(3.) No more than three totalizators shall be used by the club at one time, and none outside the race-grounds within the control or management of the club :

(4.) Every totalizator shall be under the care and management of some competent person appointed by the club, and under the direct supervision of the stewards.

(a.) "Totalizator" means the instrument for wagering or betting known by that name, and any other instrument or machine of a like nature, and conducted upon the same principles ;

(b.) "Racing club" includes any club or association formed for the purpose of promoting horse-racing, or for the management of horse-racing meetings.

49. If the conditions above mentioned are duly complied with, no person shall be liable to any penalty or forfeiture under this Act, or any other law for the time being in force relating to gaming and lotteries, for the use of the totalizator in manner hereinbefore provided.

If conditions complied with, gaming laws not to apply.

SCHEDULE A.

FORM OF WARRANT.

To wit. } To \_\_\_\_\_, Constable.

WHEREAS it appears to me, J. P., a Justice of the Peace in and for the Colony of New Zealand, by the information on oath of A. B., of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, that the house [room, premises, or place] known as [*Here insert a description of the house, room, premises, or place by which it may be readily known and found*] is kept and used as a common gaming house or place for gaming within the meaning of "The Gaming and Lotteries Act, 1880:" This is therefore, in the name of our Lady the Queen, to require you, with such assistants as you may find necessary, to enter into the said house [room, premises, or place], and if necessary to use force for making such entry, whether by breaking open doors or otherwise, and there diligently to search for all instruments of unlawful gaming which may be therein, and to arrest, search, and bring before me or some other of the Justices of the Peace as well the keepers of the same as also the persons there haunting, resorting, and playing, to be dealt with according to law. And for so doing this shall be your warrant.

(L.S.) Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_ J.P.