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ACT No. IX. OF 1851.

*Passed by the Hon'ble the President of the Council of India
in Council on the 11th July 1851, with the assent of
the Most Noble the Governor General of India.*

An Act for the prevention of Gambling in Bombay.

WHEREAS the vice of Gambling has of late years much increased, and many gaming houses have been established within the Town and Island of Bombay, the suppression of which the laws now in force are inadequate, It is enacted as follows:

I. So much of Article II. of Title Fifth of a Rule, Ordinance and Regulation passed by the Governor of Bombay in Council on the 11th day of April 1827, and registered in the Supreme Court of Bombay on the 22nd day of June 1827, as provides that the Court of Petty Sessions shall exercise jurisdiction over common gamblers who shall not give a satisfactory account of any other means of livelihood, is repealed.

II. Every person who, within the Town and Island of Bombay, shall keep a common gaming house, or any room, or other place used for the purposes of a common gaming house, or who shall have the care or management thereof, or shall in any manner conduct the business of any such common gaming house, either as Banker, Shroff, Croupier

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Croupier or otherwise, shall, on conviction before the Court of Petty Sessions, be punishable by fine not exceeding One Thousand Rupees, or, in the discretion of the said Court, may be imprisoned with or without hard labor for any period not exceeding six Calendar months.

III. And, whereas it may be doubted, whether or not certain houses or rooms alleged or reputed to be opened for the use of the subscribers only, or not open to all persons desirous of using the same, are to be deemed common gaming houses, it is declared and enacted that, in default of other evidence proving any house, room, or place to be used as a common gaming house, it shall be enough, in support of the allegation in any information or indictment that any house, room, or place is a common gaming house, to prove that such house, room, or place is kept or used for playing therein at cards, dice, or 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; and every such house, room, or place shall be deemed a common gaming house.

IV. - Every person who shall be found in any such common gaming house playing or gaming with cards, dice, counters, money, or other instruments of gaming, or who shall be found there present during such playing or gaming, or for the purpose of gaming, or who shall be found gaming with cards, dice, counters, money, or other instruments of gaming in any street or public place or thoroughfare within the said town and island, whether playing for any money, wager, stake, or otherwise, shall be punishable, on conviction before the Court of Petty Sessions, by fine not exceeding Five Hundred Rupees; or in the discretion of the
said

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said Court, may be imprisoned with or without hard labor for any period not exceeding three Calendar months.

V. Any Magistrate of Police, upon information laid before him on oath that there is reason to suspect any house, room, or place within the said town and island to be used as a common gaming house, may, by his warrant, give authority to any Constable of Police in the town and island of Bombay to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming; and to seize all instruments of gaming, and all monies and securities for money found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed; and to search also the persons of those whom he so takes into custody, and to seize and take possession of all cards, dice, counters, and other instruments of gaming which he shall find upon such search.

VI. When any cards, dice, gaming table or cloth, or other instruments of gaming are found in any house, room, or place of which information has been given on oath to a Magistrate of Police, that it is suspected of being used as a common gaming house, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Constable or any of his Assistants.

VII. On conviction of any person for keeping or being present for the purpose of gaming in any common gaming house, all the instruments of gaming found therein shall be destroyed by order of the Court of

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of Petty Sessions, which shall also order all, or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all monies seized therein, to be forfeited, or in its discretion may order any part thereof to be returned to the parties appearing to have been severally thereunto entitled.

VIII. Any Officer of Police may arrest without warrant all persons whom he may see in the act of gaming in any street or public place or thoroughfare in the said town or island, and seize all cards, dice, counters, and instruments of gaming which he finds in their possession, which, on conviction of any of the parties, shall be destroyed by order of the Court.

IX. It shall not be necessary, in order to convict any person of keeping a common gaming house, or of being concerned in the management of any common gaming house or gaming table, to prove that any person found playing at any game was playing for any money, wager, or stake.

X. Any person who shall have been concerned in any unlawful gaming, and who shall be examined as a witness before the said Court of Petty Sessions, on the trial of any person or persons for a breach of any of the provisions of this Act, and who upon such examination shall make true and faithful discovery to the best of his or her knowledge of all things as to which he or she shall be so examined, and who shall thereupon receive from the said Court a certificate in writing to that effect, shall be freed from all prosecutions under this Act for any thing done before that time in respect of such unlawful gaming.

XI. Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill played at Hotels or Taverns
licensed

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licensed by the Collector of Land Revenue, and the Senior Magistrate of Police under Act XVIII. of 1840, or in any place of public resort licensed by the Court of Petty Sessions under Act XIV. of 1842.

XII. Every person who shall by any fraud or unlawful device or ill practice in playing at or with cards, dice, 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 in wagering on the event of any game, sport, pastime, or exercise, win from any other person for himself, or any other or others 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.

XIII. No conviction or other proceeding before the said Court of Petty Sessions under this Act shall be quashed, or set aside or adjudged void or insufficient for want of form, or be removed by Certiorari into Her Majesty's Supreme Court.

XIV. All fines imposed under this Act shall be recovered under Act II. of 1839.

XV. The Court of Petty Sessions shall on conviction have power to direct any portion, not exceeding one-fourth of any fine which shall be levied under the provisions of this Act, or any part of the monies or proceeds of articles seized in any common gaming house and ordered to be forfeited, to be paid to an informer, and the balance of such fines and monies or the whole thereof, as the case may be, shall be applied to the use of the Municipal Fund under Act XI. of 1845.