

Act No. 34, 1901.

LOTTERIES AND ART
UNIONS.

An Act to consolidate the Acts relating to the prevention of Lotteries and the legalising of Art Unions and similar Associations. [1st November, 1901.]

BE it enacted by the King'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:—

Short title.

1. This Act may be cited as the "Lotteries and Art Unions Act 1901."

Repeal.

2. The Acts mentioned in the Schedule hereto are to the extent therein expressed hereby repealed.

Prevention of Lotteries.

Selling or disposing
of goods &c. by lottery
or chance prohibited.

3. (1) No person shall under any pretence form denomination or description whatsoever or by means of any device or contrivance whatsoever

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whatsoever sell or dispose of or agree or promise whether with or without consideration to sell or dispose of any goods wares or merchandise whatsoever to or among any person or persons whomsoever by means of any game either of skill or of chance or of any other contrivance or device whatsoever whereby any such goods wares or merchandise are sold or disposed of or agreed or promised to 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 figures or by means of any wheel or otherwise howsoever.

(2) Whosoever contrary to the provisions hereof sells or Penalty £100.
disposes of or agrees or promises whether with or without consideration 16 Vic. No. 2 s. 1.
to sell or dispose of any goods wares or merchandise whatsoever shall
be liable to a penalty not exceeding one hundred pounds.

Exceptions.

4. Nothing in the third section of this Act contained shall or Sections 2 and 3 not
shall be deemed or construed to apply or to prevent the sale by raffle to apply to sales by
or lottery of articles exposed for sale at any bazaar or fancy fair held raffle &c. for
for raising funds in aid of any eleemosynary or charitable institution charitable purposes.
of a public character. Ibid. s. 3.

5. (1) All voluntary associations—

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(a) formed under the name of Art Unions for the purchase of Preamble and s. 1.
paintings drawings or other works of art to be afterwards 16 Vic. No. 2 s. 3.
allotted and distributed by chance or otherwise among the
several members subscribers or contributors forming part of
such associations 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 associations on the condi-
tion that the sums of money so allotted and distributed be
expended solely and entirely in the purchase of paintings
drawings or other works of art or

(b) formed for the purchase of any articles of use or ornament No. 4 19
to be afterwards allotted and distributed by chance or other-
wise among the several members subscribers or contributors
forming part of such associations and for the purpose of
thereby obtaining on terms to be approved by the Attorney-
General funds for the aid or support of any institution or
object which in the opinion of the Attorney-General is of a
genuinely charitable eleemosynary or public character

shall notwithstanding anything in the third section of this Act contained
be deemed to be lawful associations subject to the conditions herein-
after expressed.

(2)

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Preamble.
No. 4 1900 s. 1.

(2) The members subscribers and contributors of and to such associations and all persons acting under their authority or on their behalf for the purposes aforesaid shall (so long as their proceedings are carried on in good faith for the encouragement of the Fine Arts or for the aid or support of some charitable eleemosynary or public institution or object as aforesaid) be freed and discharged from all pains and penalties suits prosecutions and liabilities to which by law they would be liable but for the passing of this section as being concerned in illegal lotteries little goes or unlawful games by reason of anything done by them in furtherance of the allotment or distribution by chance or otherwise of paintings drawings or other works of art or of sums of money as prizes to be expended for their purchase or of the allotment or distributions by chance or otherwise of articles of use or ornament.

Articles of use or
ornament not to include
money prizes.
No. 4, 1900, s. 2.
Conditions to be
complied with.
14 Vic. No. 13 s. 1.
Proviso.
No. 4 1900 s. 1.

(3) The words "articles of use or ornament" shall not be interpreted to include money prizes either directly or indirectly.

6. The conditions under which such associations shall be deemed to be lawful associations shall be as follows—

- (a) A charter from the Governor shall be first obtained for the incorporation of the association or
- (b) the deed of partnership or other instrument constituting the association and the rules and regulations relating to its proceedings shall be first approved of by the Attorney-General and a copy thereof duly certified by him deposited with the Clerk of the Executive Council and
- (c) every such charter deed or instrument shall express that the Governor may whenever it appears to him that any such association is perverted from the purposes of the fifth section of this Act revoke or annul the charter deed or instrument under which the association so offending has been constituted.

Section 5 not to apply to
associations whose
charter &c. is revoked.
14 Vic. No. 13 s. 1.

7. Nothing in the fifth section of this Act shall be deemed to apply to any association whose charter deed of partnership or other instrument under which it is constituted has been revoked or annulled.

Powers of Executive
Council to revoke
charter &c.
Ibid.

8. (1) Any such charter deed of partnership or instrument may be revoked or annulled by minute or resolution of the Executive Council.

Evidence of
revocation.
Ibid.

(2) A copy of such minute or resolution certified and signed by the Clerk of the Executive Council shall be received as evidence of the revocation or annulment of any such charter deed of partnership or instrument without further proof.

Selling tickets in a
street illegal.
No. 4 1900 s. 2.

9. The selling of tickets in any lottery under section five (1) (b) in any street shall be illegal.

Act No. 35, 1901.

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Bread.

SCHEDULE.

Number of Act.	Title or short title.	Extent of repeal.
14 Vic. No. 13 ...	An Act for legalising Art Unions	The whole Act.
16 Vic. No. 2 ...	An Act to prevent Lotteries	The whole Act.
No. 4, 1900 ...	The Art "Unions Act Amendment Act 1900"...	The whole Act.