CAP. CXIX.

An Act for the Suppression of Betting Houses. [20th *August* 1853.]

'WHEREAS a kind of Gaming has of late sprung up tending to the Injury and Demoralization of improvident Persons by the opening of Places called Betting Houses or Offices, and the receiving of Money in advance by the Owners or Occupiers of such Houses or Offices, or by other Persons acting on their Behalf, on their Promises to pay Money on Events of Horse Races and the like Contingencies:' For the Suppression thereof be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No House, &c. to be kept for Purpose of Owner or Occupier betting with other Persons.

I. 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 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; and 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 within 8 & 9 Vict. c. 109.

II. Every House, Room, Office, or Place opened, kept, or used for the Purposes aforesaid, or any of them, shall be taken and deemed to be a Common Gaming House within the Meaning of an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and nine, "to amend the Law concerning Games and Wagers."

Penalty on Owner or Occupier of Betting House.

III. 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 herein-before mentioned, or either of them; and any Person who being the Owner or Occupier of any House, Room, Office, or other Place shall knowingly and wilfully permit the same to be opened, kept, or used by any other Person for the Purposes aforesaid, or either 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 either of them, shall, on summary Conviction thereof before any Two Justices of the Peace, be liable to forfeit and pay such Penalty, not exceeding One hundred Pounds, as shall be adjudged by such Justices, and may be further adjudged by such Justices to pay such Costs attending such Conviction as to the said Justices shall seem reasonable; and on the Nonpayment of such Penalty and Costs, or in the first instance, if to the said Justices it shall seem fit, may be committed to the Common Gaol or House of Correction, with or without Hard Labour, for any Time not exceeding Six Calendar Months.

Penalty on Persons receiving Money on condition of paying Money on Event of any Bet.

IV. Any Person, being the Owner or Occupier of any House, Office, Room, or Place opened, kept, or used for the Purposes aforesaid, or either 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 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 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, shall, upon summary Conviction thereof before Two Justices of the Peace, forfeit and pay such Penalty, not exceeding Fifty Pounds, as shall be adjudged by such Justices, and may be further adjudged by such Justices to pay such Costs attending such Conviction as to the said Justices shall seem reasonable; and on the Nonpayment of such Penalty and Costs, or in the first instance, if to such Justices it shall seem fit, may be committed to the Common Gaol or House of Correction, with or without Hard Labour, for any Time not exceeding Three Calendar Months.

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

V. Any Money or valuable Thing received by any such Person 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.

This Act not to extend to Stakes due to Owner of Horse winning a Race.

VI. Provided always, That 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.

Penalty on Persons exhibiting Placards or advertising Betting Houses.

VII. 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 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 any Person who, on behalf of the Owner or Occupier of any such House, Office, Room, or Place, or Person using the same, shall invite other Persons to resort thereto for the Purpose of making Bets or Wagers, in manner aforesaid, shall, upon summary Conviction thereof before Two Justices of the Peace, forfeit and pay a Sum not exceeding Thirty Pounds, and may be further adjudged by such Justices to pay such Costs attending such Conviction as to the said Justices shall seem reasonable; and on the Nonpayment of such Penalty and Costs, or in the first instance, if to such Justices it shall seem fit, may be committed to the Common Gaol or House of Correction, with or without Hard Labour, for any Time not exceeding Two Calendar Months.

Penalties and Costs may be levied by Distress.

VIII. If any Person convicted under this Act on Information before Justices shall be adjudged to pay any Penalty, or any Costs and Charges attending the Conviction, and shall fail to pay such Penalty or Costs, the same may be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of One of the convicting Justices: Provided always, that if any Person shall be committed to Prison for default of Payment of any Penalty and Costs, then the Costs alone may be levied by Distress as aforesaid.

Application of Penalties.

IX. One Half of every pecuniary Penalty which shall be adjudged to be paid under this Act shall be paid to the Informer, and the remaining Half shall be applied in aid of the Poor Rate of the Parish in which the Offence shall have been committed, and shall be paid for that Purpose to the Overseer or other Person authorized to receive Poor Rates in such Parish, or if the Place wherein the Offence shall have been committed shall be extra-parochial, then the Justices by whom such Penalty shall be adjudged to be paid shall direct such remaining Half thereof to be applied in aid of the Poor Rate of such extra-parochial Place, or, if there shall not be any Poor Rate therein, in aid of the Poor Rate of any adjoining Parish or District.

On Neglect to prosecute any Summons Justices may authorize some other Person to proceed.

X. In case any Person who shall have laid any Complaint or Information in respect of any Offence against this Act shall not appear at the Time at which the Defendant may have been summoned to appear, or at any Time to which the Hearing of the Summons may have been adjourned, or, in the Opinion of any Justices having Authority to adjudicate with respect to the Offence charged in such Information or Complaint as aforesaid, shall otherwise have neglected to proceed upon or prosecute such Information or Complaint with due Diligence,

gence, it shall be lawful for such Justices to authorize any other Person to proceed on such Summons instead of the Person to whom the same may have been granted, or, if such Justices think fit, to dismiss the Summons already granted, and authorize any Person to take out a fresh Summons in respect of the Offence charged in such Information or Complaint, in like Manner as if the previous Summons had not been granted.

Justices may authorize Search of suspected Houses.

XI. It shall be lawful for any Justice of the Peace, upon Complaint made before him on Oath that there is Reason to suspect any House, Office, Room, or Place to be kept or used as a Betting House or Office, contrary to this Act, to give Authority by special Warrant under his Hand, when in his Discretion he shall think fit, to any Constable or Police Officer to enter, with such Assistance as may be found necessary, into such House, Office, Room, 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 a Justice of the Peace all such Persons found therein, and to seize all Lists, Cards, or other Documents relating to racing or betting found in such House or Premises; and any such Warrant may be according to the Form given in the First Schedule annexed to the before-mentioned Act "to amend the "Law concerning Games and Wagers."

Commissioner of Police may authorize Superintendent of Police to enter and search suspected Houses.

XII. If any Superintendent belonging to the Metropolitan Police Force shall report in Writing to the Commissioners of Police of the Metropolis that there are good Grounds for believing and that he does believe that any House, Office, Room, or Place within the Metropolitan Police District is kept or used as a Betting House or Office, contrary to this Act, it shall be lawful for either of the said Commissioners by Order in Writing to authorize the Superintendent to enter any such House, Office, Room, or Place, with such Constables as shall be directed by the Commissioners to accompany him, and, if necessary, to use Force for the Purpose of effecting such Entry, whether by breaking open Doors or otherwise, and to take into Custody all Persons who shall be found therein, and to seize all Lists, Cards, or other Documents relating to racing or betting found in such House or Premises.

Appeal to Quarter Sessions.

XIII. Any Person who shall be summarily convicted under this Act may appeal to the next General or Quarter Session of the Peace to be holden for the County or Place wherein the Cause of Complaint shall have arisen, provided that such Person at the Time of the Conviction give Notice of his Intention to appeal, and shall at the Time of such Conviction, or within Forty-eight Hours thereafter, enter into a Recognizance with Two sufficient Securities conditioned personally to appear at the said Session to try such Appeal, and to abide the further Judgment of the Court at such Session, and to pay such Costs as shall be by the last-mentioned Court awarded; and it shall be lawful for the Magistrate or Justices by whom such Conviction shall have been made to bind over any Party who shall have made Information against the Party convicted, and any Witnesses who shall have been examined, in sufficient Recognizances to attend and be examined at the hearing of such Appeal; and every such Witness, on producing a Certificate of being so bound under the Hand of the said Magistrate or Justices, shall be allowed Compensation for his or her Time, Trouble, and Expenses in attending the Appeal, which Compensation shall be paid in the first instance by the Treasurer of the County or Place in like Manner as in Cases of Misdemeanor under the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in* England; and in case any such Appeal shall be dismissed and the Order or Conviction affirmed, the reasonable Expenses of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the said Treasurer by the Appellant. 7 & 8 G. 4. c. 28.

No Objection in Matter of Form, and Certiorari taken away.

XIV. On any such Appeal no Objection shall be allowed to the Information whereon the Conviction has taken place, or to such Conviction, on any Matter of Form or on any Insufficiency of Statement, provided it shall appear to the Justices in Quarter Sessions that the Defendant has been sufficiently informed of the Charge intended to be made against him, and that such Conviction was proper on the Merits of the Case; and no Information, Conviction, or Judgment of the Justices in General or Quarter Sessions shall be removed by Certiorari into the Court of Queen's Bench.

XV. When

Distress not unlawful for Want of Form.

XV. When any Distress shall be made for any Money to be levied by virtue of the Warrant of any Justice 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 of Her Majesty's Courts of Record.

Tender of Amends, &c.

XVI. No Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Authority hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action brought, and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think 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.

Limitation of Actions.

XVII. 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 this Act, or in the Execution of the Authorities under this Act, unless Notice in Writing shall be given by the Party intending to prosecute such Suit, Information, or other Proceeding to the intended Defendant One Calendar Month at least before prosecuting the same, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act or Omission complained of, or in case there shall be a Continuation of Damage then within Three Calendar Months next after the doing such Damage shall have ceased.

Interpretation of Terms.

XVIII. In *Ireland* the Term "Metropolitan Police Force," and the Terms "Commissioners of the Police of the Metropolis," and the Terms "Metropolitan Police District," shall mean and include respectively the *Dublin* Metropolitan Police Force, the Commissioners of Police of *Dublin* Metropolis, and the Police District of *Dublin* Metropolis.

Commencement of Act.

XIX. This Act shall commence and come into operation on the First Day of *December* One thousand eight hundred and fifty-three.

Not to extend to Scotland.

XX. This Act shall not extend to *Scotland*.

CAP. CXX.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*.

[20th *August* 1853.]

'WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Eighth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

I. That