ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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C A P. LXXIV.

An Act to amend an Act of the Seventh Year of King *William* the Fourth, for preventing the advertising of Foreign and other illegal Lotteries; and to discontinue certain Actions commenced under the Provisions of the said Act.

[31st *July* 1845.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to prevent the advertising of Foreign and other illegal Lotteries*, it is enacted, that if any Person shall print or publish, or cause to be printed or published, any Advertisement or other Notice of or relating to the Drawing or intended Drawing of any Foreign Lottery, or of any Lottery or Lotteries not authorized by some Act or Acts of Parliament, or if any Person shall print or publish, or cause to be printed or published, any Advertisement or other Notice of or for the Sale of any Ticket or Tickets, Chance or Chances, or of any Share or Shares of any Ticket or Tickets, Chance or Chances, of or in any such Lottery or Lotteries as aforesaid, or any Advertisement or Notice concerning or in any Manner relating to any such Lottery or Lotteries, or any Ticket, Chance, or Share,

6 & 7 W. 4. c. 66.

10 A Tickets,

Tickets, Chances, or Shares, thereof or therein, every Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record in *Westminster* or *Dublin* respectively, or in the Court of Session in *Scotland*, one Moiety thereof to the Use of His Majesty, His Heirs and Successors, and the other Moiety thereof to the Use of the Person who shall inform or sue for the same: And whereas the Printers, Publishers, and Proprietors of divers Newspapers have inadvertently printed and published some Advertisements or Notices of or relating to the Matters in the said Act mentioned, or some of them, and many Actions, Suits, Informations, and Prosecutions have been brought and commenced against such Printers, Publishers, and Proprietors, or some of them, by Persons who sue, inform, and prosecute, as well on their own Behalf as on behalf of Her Majesty, to recover various Penalties incurred or alleged to have been incurred under the Provisions of the said Act; and it is expedient that all further Proceedings in such Actions, Suits, Informations, and Prosecutions should be prevented, and such other Provision made in relation thereto and otherwise as is herein-after mentioned: Be it therefore 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, That immediately from and after the passing of this Act it shall be lawful for any Person or Persons against whom any original Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, on or before the Day of the passing of this Act, for the Recovery of any pecuniary Penalty or Penalties incurred under the said Act, except in the Cases herein-after provided, to apply to the Court in which such original Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or, if such Court shall not be sitting, to any Judge of either of the Superior Courts at *Westminster* or *Dublin* respectively, or to any Judge of the Court of Session in *Scotland*, (as the Case may have arisen in *England*, *Ireland*, or *Scotland* respectively,) for an Order that such Writ, Suit, Action, Bill, Plaint, or Information shall be discontinued, upon Payment of the Costs incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Courts respectively; and every such Court aforesaid is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Plaintiffs, or to his or their Attorney, of the Application, to make such Order as aforesaid; and upon the making of such Order, and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Persons sued before the passing of this Act for Penalties incurred under the recited Act may apply to the Court or a Judge to stay Proceedings on certain Conditions.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to any Action, Suit, Bill, Plaint, or Information in which any Judgment or Conviction shall have passed on or before the Day of the passing of this Act, or to any Action, Suit, Bill, Plaint, or Information which shall have been or shall be commenced, prosecuted, entered, or filed by

Not to extend to Actions in which Judgment has been obtained, &c.

by or in the Name of Her Majesty's Attorney General or Solicitor General in that Part of *Great Britain* called *England*, or Her Majesty's Attorney or Solicitor General for *Ireland*, or Her Majesty's Advocate for *Scotland*, for or on behalf of Her said Majesty.

Penalties incurred under said Act to go wholly to Her Majesty.

III. And be it enacted, That from and after the passing of this Act all Fines, Penalties, and Forfeitures imposed by or incurred or which may be incurred under the said recited Act shall go and be applied to the Use of Her Majesty, Her Heirs and Successors.

Fines, &c. may be sued for in the Name of the Attorney or Solicitor General in England or Ireland, or Her Majesty's Advocate for Scotland, &c.

IV. Provided always, and be it enacted, That from and after the passing of this Act every such Fine, Penalty, or Forfeiture may be sued or prosecuted for, in the Name of Her Majesty's Attorney General or Solicitor General in *England* or *Ireland*, or of Her Majesty's Advocate General or Solicitor General in *Scotland*, or of the Solicitor of Stamps and Taxes in *England* or *Scotland*, or of the Solicitor of Stamps in *Ireland*, or of any Person to be authorized to sue or prosecute for the same by Writing under the Hands of the Commissioners of Stamps and Taxes, or in the Name of any Officer of Stamp Duties, by Action of Debt, Bill, Plaint, or Information in the Court of Exchequer at *Westminster* in respect of any Fine, Penalty, or Forfeiture incurred in *England*, and in the Court of Exchequer in *Dublin* in respect of any Fine, Penalty, or Forfeiture incurred in *Ireland*, and in the Court of Exchequer in *Scotland* in respect of any Fine, Penalty, or Forfeiture incurred in *Scotland;* and, except as is herein-before provided, it shall not be lawful for any Person other than as aforesaid to inform, sue, or prosecute for any such Fine, Penalty, or Forfeiture as aforesaid: Provided always, that in no such Proceeding as aforesaid shall any Essoign, Protection, Wager at Law, nor more than One Imparlance, be allowed.

Alteration of Act.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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