

1927

c 260 Gaming Act

Ontario

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CHAPTER 260.

The Gaming Act.

Security given in gaming transaction. given for illegal consideration.

9 Anne, c. 19, (or c. 14 in Ruffhead's Ed.) s. 1, as amended by 2 Ed. VII. c. 1, s. 8.

1. Every agreement, note, bill, bond, confession of judgment, *cognovit actionem*, warrant of attorney to confess judgment, mortgage, or other security, or conveyance, the consideration for which, or any part of it, is money or other valuable thing won by gaming, or playing at cards, dice, tables, tennis, bowls, or other game, or by betting on the sides or hands of the players, or for reimbursing, or repaying, any money knowingly lent or advanced for such gaming, or betting, or lent, or advanced, at the time and place of such game or play, to any person so gaming, playing, or betting, or who, during such game or play, so plays, games, or bets, shall be deemed to have been made, drawn, accepted, given, or executed for an illegal consideration. R.S.O. 1914, c. 217, s. 2.

Recovery back of money paid on gaming transaction. Imp. Act, 5 & 6 W. 4, c. 41, s. 2.

2. If any person makes, draws, gives, or executes, any note, bill, or mortgage, for any consideration which is hereinbefore declared to be illegal, and actually pays to any indorsee, holder, or assignee of such note, bill, or mortgage, the amount of the money thereby secured or any part thereof, such money shall be deemed to have been paid for and on account of the person to whom such note, bill, or mortgage was originally given, and to be a debt due and owing from such last named person to the person who paid such money, and shall accordingly be recoverable by action. R.S.O. 1914, c. 217, s. 3.

Recovery of money lost at one sitting to the extent of \$40 or more.

9 Anne, c. 19 (or c. 14 in Ruffhead's Ed.), s. 2.

3. Any person who, at any time or sitting, by playing at cards, dice, tables, or other game, or by betting on the sides or hands of the players, loses to any person so playing or betting, in the whole, the sum or value of \$40 or upwards, and pays or delivers the same or any part thereof, shall be at liberty, within three months thereafter, to sue for and recover the money or thing so lost and paid or delivered. R.S.O. 1914, c. 217, s. 4.

Payment of wagers not enforceable. Imp. Act, 8 & 9 V., cap. 109, s. 18.

Exception.

4. Every contract or agreement by way of gaming or wagering shall be null and void; and no suit shall be brought or maintained for recovering any sum of money or valuable thing alleged to be won upon any wager, or which has been deposited in the hands of any person to abide the event on which any wager has been made; but this section shall not apply to

any subscription or contribution, or agreement to subscribe or contribute for or towards any plate, prize, or sum of money to be awarded to the winner of any lawful game, sport, pastime or exercise. R.S.O. 1914, c. 217, s. 5.

5. Any promise, express or implied, to pay any person any sum of money paid by him under or in respect of any contract or agreement rendered null and void by section 4, or to pay any sum of money by way of commission, fee, reward, or otherwise in respect of any such contract or agreement, or of any services in relation thereto or in connection therewith, shall be null and void, and no action shall be brought or maintained to recover any such sum of money. R.S.O. 1914, c. 217, s. 6.

Promises to repay sums paid under contract void by section 4.

Imp. Act 55 & 56 V., c. 9, s. 1.