

**THE LAW RELATING TO
BETTING, TIME-
BARGAINS AND GAMING**

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The Law Relating to Betting, Time-Bargains and Gaming by G. Herbert Stutfield

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G. HERBERT STUTFIELD

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THE
LAW RELATING TO BETTING
TIME-BARGAINS AND GAMING.

BY

G. HERBERT STUTFIELD,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW, VENERIAN SCHOLAR, OXON.



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1884.

TO THE
HON. SIR HENRY HAWKINS,

ONE OF THE JUDGES OF
HER MAJESTY'S HIGH COURT OF JUSTICE,

THIS WORK IS,

BY PERMISSION, RESPECTFULLY DEDICATED

BY
THE AUTHOR.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part outlines the various methods and tools used to collect and analyze data. This includes both traditional manual processes and modern digital technologies, highlighting the benefits of automation and data integration.

3. The third part focuses on the challenges faced in data management, such as data quality, security, and privacy. It provides strategies to address these challenges and ensure that the data remains reliable and secure.

4. The fourth part discusses the role of data in decision-making and strategic planning. It explains how data-driven insights can help organizations identify trends, opportunities, and risks, leading to more informed and effective decisions.

5. The fifth part covers the importance of data governance and compliance. It outlines the necessary policies and procedures to ensure that data is handled in accordance with relevant laws and regulations.

6. The sixth part addresses the future of data management, including emerging trends like artificial intelligence, big data, and cloud computing. It discusses how these technologies will shape the way organizations manage and utilize their data.

7. The seventh part provides a summary of the key points discussed throughout the document and offers recommendations for further action and improvement.

8. The final part concludes the document by reiterating the importance of data as a valuable asset and the need for continuous monitoring and optimization of data management practices.

P R E F A C E.

THE law of gaming has, in all its branches, been the subject of much litigation during the past twelve months. This fact, coupled with the circumstance that there exists no complete or exhaustive treatise on the subject, induced the author to write this small book, in the hopes of supplying what was evidently a real want. A cursory reference to the Table of Contents hereto appended will suffice to show the subject matter and arrangement of the work : and a comparison with the Law Reports of the last two years will show that all the matters herein treated of have of late been the subject of important judicial decisions ; it may even be said of leading cases. The cases of *Lynch v. Godwin* and *Read v. Anderson* prove how little the relations between principal and turf commission agent were understood. In the following pages an attempt has been made to give an exhaustive account of all the cases which constitute the law as to the reciprocal relations of the two.

With respect to Stock Exchange transactions, the history of the litigation from *Grizewood v. Blane* down to *Thacker v. Hardy* discloses a vast amount of misconception as to the course of business in that market. In more cases than one juries found that the transactions on which they had to decide were in the nature of mere wagers or "bargains for differences." But these findings were always reprobated by the judges as not warranted by the facts. Affidavits of leading Stock Exchange men were from time to time produced, to the effect that transactions of that nature are unknown in their business : witnesses before the Stock

Exchange Commission of 1878 testified to the same fact. How far such corrections of the misconception which existed, have acquired publicity may be difficult to say: but the present work contains a chapter devoted to Stock Exchange transactions (particularly with reference to the cases in which it has been sought to apply the law relating to wager-contracts) where quotations will be found from the above-mentioned sources, which it is hoped may be useful in affording information, which can only be derived from books to which the majority of the public have no access. Special reference is also made to the law relating to the sale of bank shares, which has been brought into special prominence during the last two years by the failure of two great banks, the West of England and the Oriental, which gave rise respectively to the cases of *Neilson v. James* and *Barclay v. Pearce*. With respect to the other branches of the laws of gaming, it does not seem likely that public interest will be allowed to languish. It was not long since the *Globe* published a paragraph on a bazaar to be held at Birmingham, which is quite of a piece with the observations in the following pages on institutions of that description. The *Evening News* continues to publish accounts of gaming hells in Soho, which shows that the lessons of the Park Club case have been but little laid to heart; while the *Daily Telegraph* was not long ago appealed to by a correspondent to assist in taking the beam out of our neighbour's eye and endeavouring to discourage gambling at Boulogne. A full account is given of the Park Club case in this work; the author must be pardoned for any shortcomings in respect thereof, on the score that, the case not being as yet reported in any of the regular reports, he was compelled to rely on the daily papers.

But, perhaps, on no subject is there a greater need of a clear exposition of the law than on the subject of Betting Houses and Places, &c. The statute declared such houses and places common nuisances, and provided that they should be common "gaming houses" within the meaning of a former statute. What the term "place"

meant had to be learned by experience. It received the broadest possible construction from the Courts. The argument that it was intended to confine the operation of the Act to betting in urban districts received no countenance. A wooden structure, an open enclosure, an umbrella, and finally a stool in the grand stand, were each in succession decided (under the circumstances) to be a "place" within the Act, and—it is impossible not to go a step further—*ergo* a common gaming house within 8 & 9 Vict. c. 109! Moreover, till quite lately it never seems to have been clearly understood what species of betting it is which the Statute prohibits. Thus clubs where members habitually meet for the purpose of betting with one another, have not only been connived at but in one case (*Oldham v. Ramsden*) have been decided to be legal. It seemed inconsistent that the law which permitted institutions of this description refused to countenance the operations of the bookmaker on his stool. It seems at least fair that the law should be definite and intelligible; and that the persons whose business it is fashionable to decri as *contra bonos mores*, should be enabled to know what they may do, and what they may not. The late case of *Reg. v. Cook* has done a great deal towards elucidating the difficulty. An attempt is made in the latter part of this work to give a full and, it is hoped, an accurate account of the exact effect of this case. It will be seen that the distinction suggested is between persons meeting to bet together and a person laying himself out to bet indiscriminately with all comers: it is the latter which the law forbids: the distinction seems on all fours with the distinction between betting houses and clubs where members bet.

Attention is also devoted to the special liability which the law imposes on the keepers of licensed premises for allowing gaming therein, a liability which no doubt may in many cases be irksome and difficult to discharge, but has been thought necessary for the preservation of order in places where order is most difficult to preserve.

The author would add that, in giving what he believes to be an

accurate account of the strict letter of the law in all these cases of criminal liability, he by no means wishes to suggest (and the remark holds good, particularly in the case of gaming houses, betting places, etc.) that it would be advisable to enforce the law in all its strictness in every case. As the law stands according to its letter, a bookmaker may find it difficult to steer clear of infringing the Statute. The observations in this volume are written with no unkindly feeling towards "booky," but rather with a view of enabling him to see exactly how he stands, while in his, as in other cases, much must be left to the discretion and good sense of the tribunal by whom his case is adjudicated.

In conclusion, the author submits his small work to the kindly consideration of "all whom these presents may concern." He is aware that in dealing with numerous interests he is at the same time submitting to the jurisdiction of a varied and extensive tribunal, composed, at least, of the Law, the Stock Exchange, and the Turf. The difficulties of the subject are not inconsiderable, in some cases owing to the lack of authority, in others owing to the number of Statutes bearing on the subject, which sometimes seem to conflict with one another. But whatever may be the shortcomings of this work they do not arise from want of care.

It is scarcely necessary to add that any suggestions as to additions or alterations with respect to the matters herein treated of would be most thankfully received by the author,

G. HERBERT STUTFIELD.

19, OLD SQUARE, LINCOLN'S INN

September, 1884.