

should in future be treated as having been given for an illegal consideration. The rights of an innocent holder for value were thus preserved and sustained.

20. The state of the law established at that stage by the various enactments from time to time in force was achieved by slow stages over a period of nearly three centuries. The British Royal Commission on Lotteries and Betting of 1932-33 commented concerning it that until about the end of the eighteenth century, when the professional bookmaker is said to have made his appearance, betting was a private matter among individuals. It was subject to the various laws relating to gaming and excessive betting was a criminal offence. It did not cease to be a criminal offence until 1875 with the passing of the Gaming Act of that year.

21. It is the law as it thus stood on the 21st May, 1840, when sovereignty was proclaimed over New Zealand, that this country inherited—as it inherited all the existing law of England in so far as that law was reasonably applicable to the circumstances of the then infant State. The fact that New Zealand was first constituted a dependency of New South Wales made no difference. No reference need be made in this relation to any of the subsequent periods of the Dominion's history because, alike from the 16th May, 1840, to January, 1853, while the country was a Crown colony with a Governor and nominated Legislative Council, as well as from the 17th May, 1853, onwards, when the country became a self-governing colony with an elected House of Representatives, broadly speaking, only those Acts of the British Parliament applied to New Zealand which were made expressly applicable to it or which became applicable by reason of their being expressed to be applicable to the whole of the King's dominions.

22. From the 16th November, 1840, no Acts of the British Parliament germane to the topics now under discussion were made to apply to New Zealand. All that need be considered, therefore, as a background to our present legislation from an historic point of view is the common law and the statute law of England as it existed on the 21st May, 1840. It is, however, of interest to note the efforts which were made in Britain after that date to control betting.

23. By the Gaming Act of 1845, following upon a parliamentary inquiry as to gaming, which was held in the year 1844, all contracts or agreements, whether by parol or in writing, by way of gaming or wagering were declared null and void. Then in 1853 came the English Betting Act of that year. As the English Commission pointed out, it is clear from the evidence given before the Select Committee of the House of Commons of 1844 that bookmakers were common by that time, but that as no mention is made in the evidence or report of