

art unions are illegal and should not be made the subject of a licence granted by the Minister. It appears, however, that the Minister of Internal Affairs authorizes these raffles upon the footing that they are a means of disposing by raffle or chance of mineral specimens. The associated Churches strongly urged that raffles or lotteries of any kind, no matter how small the prizes might be, were ethically wrong in themselves and, moreover, that they encouraged the gambling spirit to an extent that was harmful to the social life of the community. The Roman Catholic Church, on the other hand, repudiated the contention that gambling was ethically wrong in itself. It, however, admitted the possibilities of social evil arising from excess.

389. No evidence was brought before us to convince us that gambling through the medium of raffles or art unions to the extent now authorized by law in New Zealand has produced social evils. The lotteries are all small. Whilst the fact that they are all for deserving causes may add nothing to their ethical character, yet it does exclude much of the criticism which could be addressed to them if they were initiated for private gain.

SECTION 3.—OVERSEAS LOTTERIES

390. During the cross-examination of the Commissioner of Police by Dr. Mazengarb some attention was given to the sale in New Zealand of tickets in overseas lotteries. It is well known that the promoters of certain of these lotteries have agents in the Dominion. However, it was decided by a Full Court in *Jacobs v. Doyle*, [1935] N.Z.L.R. 534, that agents of this type were in the circumstances of that case agents for the purchasers and not agents for the promoters of the lotteries and that therefore no offence had been committed either by them or by the persons purchasing tickets. It is difficult to secure evidence that would justify an inference in any particular case that circumstances exist different from those which pertained in *Jacobs v. Doyle (supra)*. As a result tickets in a certain well-known overseas lottery are freely sold here. In the absence of any comparable lottery in New Zealand making some appeal to the public it would be difficult to prevent New Zealand nationals making investments in these overseas lotteries.

391. Should it at any time, however, be decided to do so the most efficient way would seem to be—

- (a) Make it illegal to sell or purchase and, whether as principal or agent or to otherwise, deal in or with any ticket in any overseas lottery.
- (b) To make it illegal to hold upon any account or to otherwise in any way or in any character deal with moneys associated with an overseas lottery.