

The Act for Avoiding wagers (Amendment) Act, 1865

MAHARASHTRA

India

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Act 3 of 1865

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The Act for Avoiding wagers (Amendment) Act, 1865 Bombay Act No. 3 of 1865 [Dated 31st July, 1865] The short title was given by the Bombay Short Titles Act, 1921 (Bombay 2 of 1921). This Act was extended to and by virtue of such extension shall be in force in the rest of the State of Bombay (vide Bombay 21 of 1959, Section 2). For Statement of Objects and Reasons, see Bombay Government Gazette, 1863, Supplement, p. 420; for Report of the Select Committee, see *ibid.*, p. 485; and for Proceedings in Council see *ibid.*, pp. 407, 452, 505, and *ibid.*, 1864, pp. 407 and 507. [An Act to amend the law for avoiding wagers.] [This portion was substituted for the original by Bombay 21 of 1959, Section 4(a).] Preamble. - Whereas it is expedient, so far as regards the State of Bombay [to amend the law for avoiding wagers; It is enacted as follows :-] [This portion was substituted for the original by Bombay 21 of 1959, Section 4(a).]

1. Contracts declared null and void. No suit allowed on such contracts.

- All contracts, whether by speaking, writing or otherwise, knowingly made to further or assist the entering into, effecting or carrying out agreements by way of gaming or wagering and all contracts by way of security or guarantee for the performance of such agreements or contracts shall be null and void; and no suit shall be allowed in any Court of Justice for recovering any sum of money paid or payable in respect of any such contract or contracts, or any such agreement or agreements as aforesaid.

2. Nor for commission or brokerage, etc., in respect of agreements by way of gaming or wagering.

- No suit shall be allowed in any Court of Justice for recovering any commission, brokerage, fee or reward in respect of the knowingly effecting or carrying out, or of the knowingly aiding in effecting or in carrying out, or otherwise claimed or claimable in respect of, any such agreement by way of gaming or wagering or any such contract as aforesaid, whether the plaintiff in such suit be or be not a party to such last mentioned agreement or contract, or for recovering any sum of money

knowingly paid or payable on account of any persons by way of commission, brokerage, fee or reward in respect of any such agreement by way of gaming or wagering or contract as aforesaid.

3. Payments for which guardian and personal representative not to be allowed credit.

- No guardian, executor, administrator, heir or personal representative of any deceased person shall be entitled to or allowed credit in his accounts for or in respect of any payment by him on behalf of such deceased person (or in the case of a guardian, on behalf of any minor), in respect of any such agreement or agreements as are mentioned in [section 30 of the Indian Contract Act, 1872] [This portion was substituted for the words and figures 'section 1 of Act XXI of 1848' by Bombay 22 of 1959, Section 4(b).] or in respect of any such contract or contracts, commission, brokerage, fee or reward or money paid or payable in respect thereof as are respectively mentioned in the first and second sections of this Act.

4. [Repeal and savings. [Section 4 was inserted by Bombay 21 of 1959, Section 4(c).]

- The Act for Avoiding Wagers (Amendment) Act, 1865, as applied to the Kutch area of the State of Bombay by the Kutch (Application of Laws) Order, 1949, is hereby repealed :Provided that such repeal shall not affect -(a)the previous operation of the Act so repealed or anything duly done or suffered thereunder;(b)any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or(c)any legal proceeding or remedy in respect of any such right, privilege, obligation or liability as aforesaid, and any such legal proceeding or remedy may be instituted, continued or enforced as if the Bombay Act for Avoiding Wagers (Extension and Amendment) Act, 1959, had not been passed.]

5. [Number and gender.] Rep. Bombay III of 1886.