

# SENATE . . . . No. 16

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To accompany the petition of Francis J. Finneran for legislation to regulate certain undertakings dependent upon or connected with chance. Legal Affairs.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Twenty-Eight.

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An Act regulating Certain Undertakings dependent upon or connected with Chance.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section seven of chapter two  
2 hundred and seventy-one of the General Laws  
3 is hereby amended by inserting after the word  
4 "Whoever," in the first line, the words:—  
5 except under the direct supervision and control  
6 of a lawfully established charitable, religious,  
7 fraternal or military organization,—and by  
8 inserting after the word "whoever," in the ninth  
9 line, the words:— with said exceptions,— so as  
10 to read as follows:— *Section 7.* Whoever, ex-  
11 cept under the direct supervision and control of a  
12 lawfully established charitable, religious, fra-  
13 ternal or military organization, sets up or pro-  
14 motes a lottery for money or other property of  
15 value, or by way of lottery disposes of any prop-  
16 erty of value, or under the pretext of a sale, gift

17 or delivery of other property or of any right,  
18 privilege or thing whatever disposes of or offers  
19 or attempts to dispose of any property, with  
20 intent to make the disposal thereof dependent  
21 upon or connected with chance by lot, dice,  
22 numbers, game, hazard or other gambling device,  
23 whereby such chance or device is made an addi-  
24 tional inducement to the disposal or sale of said  
25 property, and whoever, with said exceptions,  
26 aids either by printing or writing, or is in any  
27 way concerned, in the setting up, managing or  
28 drawing of such lottery, or in such disposal or  
29 offer or attempt to dispose of property by such  
30 chance or device, shall be punished by a fine of  
31 not more than two thousand dollars or by im-  
32 prisonment for not more than one year.

1 SECTION 2. Section eight of said chapter two  
2 hundred and seventy-one is hereby amended by  
3 inserting after the word "Whoever," in the first  
4 line, the words: — with said exceptions, — so as  
5 to read as follows: — *Section 8.* Whoever, with  
6 said exceptions, in a house, shop or building  
7 owned or occupied by him or under his control,  
8 knowingly permits the setting up, managing or  
9 drawing of such lottery, or such disposal or  
10 attempt to dispose of property, or the sale of a  
11 lottery ticket or share of a ticket, or any other  
12 writing, certificate, bill, token or other device  
13 purporting or intended to entitle the holder,  
14 bearer or any other person to a prize or to a share  
15 of or interest in a prize to be drawn in a lottery,

16 or in such disposal of property, and whoever  
17 knowingly suffers money or other property to be  
18 raffled for in such house, shop or building, or to  
19 be won there by throwing or using dice or by any  
20 other game of chance, shall be punished by a fine  
21 of not more than two thousand dollars or by  
22 imprisonment for not more than one year.

1 SECTION 3. Section nine of said chapter two  
2 hundred and seventy-one is hereby amended by  
3 inserting after the word "Whoever," in the first  
4 line, the words: — with said exceptions, — so as  
5 to read as follows: — *Section 9.* Whoever, with  
6 said exceptions, for himself or for another, sells  
7 or offers for sale or has in his possession with  
8 intent to sell or offer for sale, or to exchange or  
9 negotiate, or aids or assists in the selling, ex-  
10 changing, negotiating or disposing of a ticket in  
11 such lottery, or a share of a ticket, or any such  
12 writing, certificate, bill, token or other device, or  
13 a share or right in such disposal or offer, as is  
14 mentioned in section seven, shall be punished by  
15 a fine of not more than two thousand dollars or  
16 by imprisonment for not more than one year.

1 SECTION 4. Section eleven of said chapter  
2 two hundred and seventy-one is hereby amended  
3 by inserting after the word "Whoever," in the  
4 first line, the words: — with said exceptions, —  
5 so as to read as follows: — *Section 11.* Whoever,  
6 with said exceptions, himself or by another,  
7 advertises a lottery ticket or a share in such ticket

8 for sale, or sets up or exhibits, or devises or makes  
9 for the purpose of being set up or exhibited, any  
10 sign, symbol or emblematic or other representa-  
11 tion of a lottery or the drawing thereof, in any  
12 way indicating where a lottery ticket or a share  
13 thereof or such writing, certificate, bill, token or  
14 other device before mentioned may be obtained,  
15 or in any way invites or entices, or attempts to  
16 invite or entice, any other person to purchase or  
17 receive the same, shall be punished by a fine of  
18 not more than two thousand dollars or by im-  
19 prisonment for not more than one year.

1 SECTION 5. Section fourteen of said chapter  
2 two hundred and seventy-one is hereby amended  
3 by inserting at the beginning thereof the words: —  
4 With said exceptions,— so as to read as follows: —  
5 *Section 14.* With said exceptions, money or  
6 other thing of value drawn as a prize or share  
7 thereof in a lottery, and all property disposed of  
8 or offered to be disposed of by chance or device  
9 under the pretext mentioned in section seven, by  
10 an inhabitant of or a resident within the common-  
11 wealth, and all money or other thing of value  
12 received by such person by reason of his being the  
13 owner or holder of a ticket or share of a ticket in  
14 a lottery or pretended lottery, or of a share or  
15 right in any such scheme of chance or such device,  
16 contrary to this chapter, shall be forfeited, and  
17 may be recovered by an information filed or by  
18 an action for money had and received brought by  
19 the attorney general or a district attorney in the  
20 name and on behalf of the commonwealth.