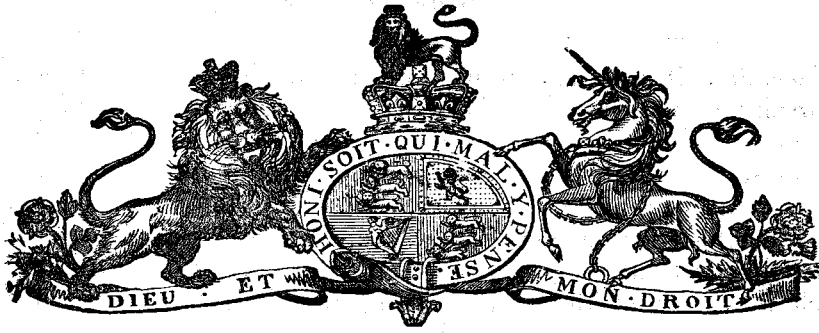


T A S M A N I A.

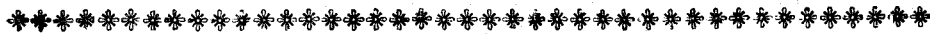


1891.

ANNO QUINQUAGESIMO-QUINTO

VICTORIÆ REGINÆ,

No. 20.



AN ACT to amend the Law concerning A.D. 1891.  
Games and Wagers. [19 October, 1891.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

**1** This Act may for all purposes be cited as “The Gaming Act, Short title. 1891.”

**2** In this Act, unless the context otherwise determines—

Interpretation.

“Officer” includes every Superintendent of Police and other Constable to whom any special warrant may be granted under this Act, and every Constable acting in aid of every such Superintendent of Police and other Constable.

**3** Any Police Magistrate or Stipendiary Magistrate, or Mayor of any City, or Warden of any Rural Municipality, or the Chairman of any Town Board being a Justice of the Peace, upon complaint made before him on oath that there is reason to suspect any house, room, premises, or place is kept or used as a common gaming-house, or that it is commonly reported and is believed by the deponent so to be, may give authority by special warrant under his hand in the form contained in the Schedule (when in his discretion he shall think fit) to any Superintendent of Police or other Constable, to enter, with such assistance as may be found necessary, into such house, room, premises,

Warrant to enter, search, and seize on premises. [8 & 9 Vict. chap. 109, s. 3.]

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or place, and (if necessary) to use force for making such entry, whether by breaking open doors or otherwise, and to arrest, search, and bring before any Two Justices of the Peace, all such persons found therein, and to seize all tables and instruments of gaming found in such house, room, premises, or place, and also to seize all moneys and securities for money found therein; and the officer making such entry as aforesaid, in obedience to any such warrant, may search all parts of the house, room, premises, or place which he shall have so entered where he shall suspect that tables or instruments of gaming are concealed, and all persons whom he shall find therein, and may seize all tables and instruments of gaming found in such house, room, premises, or place, and also may seize all moneys found therein.

**Penalty on persons obstructing the entry of constables authorised to enter any house suspected to be a common gaming-house.**

**4** Any person who shall wilfully prevent any officer authorised under this Act to enter any house, room, premises, or place, from entering the same or any part thereof, or who shall obstruct or delay any such officer in so entering, and any person who, by any bolt, bar, chain, or other contrivance, shall secure any external or internal door of any house, room, premises, or place so authorised to be entered, or interferes with the means of access thereto, or shall use any means or contrivance whatsoever for the purpose of preventing, obstructing, or delaying the entry of any officer authorised as aforesaid into any such house, room, premises, or place, or any part thereof, shall be liable, on conviction, to a penalty of not more than Fifty Pounds, or, in the discretion of the Justices of the Peace before whom he shall be convicted, to be committed to the nearest gaol, with or without hard labour, for any term not exceeding Three calendar Months.

**Penalty on persons apprehended for giving false names or addresses.**

**5** If any person found in any house, room, or place entered by any officer authorised as aforesaid to enter the same, upon being arrested by any such officer, or upon being brought before any Justices of the Peace on being required by such officer or by such Justices to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he shall be liable, on conviction, to a penalty of not more than Twenty-five Pounds, or, in the discretion of the Justices of the Peace before whom he shall be convicted, to be committed to the nearest gaol for any term not exceeding One Month.

**Penalties on persons keeping gaming-houses.**

**6** Any person being the owner or occupier, or having the use of any house, room, premises, or place, who shall open, keep, or use the same for the purpose of unlawful gaming being carried on therein; and any person who, being the owner or occupier of any house, room, premises, or place, shall knowingly and wilfully permit the same to be opened, kept, or used by any other person for the purpose aforesaid, and any person having the care or management of or in any manner assisting in conducting the business of any house, room, premises, or place opened, kept, or used for the purpose aforesaid, and any person who shall advance or furnish money for the purpose of gaming with persons frequenting such house, room, premises, or place, shall be liable, on conviction, to a penalty of not more than Two hundred Pounds, or, in the discretion of the Justices of the Peace before whom he shall be convicted of the offence, be committed to gaol, with or without hard labour, for any term not exceeding Six calendar months; and upon conviction of any such offence all tables and instruments of gaming which shall have been seized as aforesaid shall be forfeited to Her

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Majesty, and every person found in such house, room, premises, or place without lawful excuse shall be liable to a penalty of not more than Five Pounds. A.D. 1891.

**7** Nothing herein contained shall prevent any proceeding by information, in the name of the Attorney-General, against the owner or keeper, or other person having the care or management of any gaming-house, or any room, premises, or place for gaming; but no person shall be so proceeded against by such information, and also under this Act, for the same offence. Proceeding by information.

In this Section the term "Attorney-General" includes an officer appointed under the Fifth Section of the Act of the 9th *George 4*, Chapter 83, to prosecute crimes, misdemeanors, and offences cognizable in the Supreme Court.

**8** In default of other evidence proving any house, room, premises, or place to be a common gaming-house or place for gaming, it shall be sufficient in support of the allegation in any information that any house, room, premises, or place is a common gaming-house or place for gaming, to prove that such house, room, premises, or place is kept or used for playing therein at any unlawful game, and that a bank is kept there by one or more of the players exclusively of the others, or that the chances of any game played therein are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the other players stake, play, or bet; and every such house, room, premises, or place shall be deemed a common gaming-house or place for gaming such as is contrary to law and forbidden to be kept by all Acts containing any provision against unlawful games or gaming-houses. Evidence of being a common gaming-house.

**9** Where any officer authorised under this Act to enter any gaming-house, room, premises, or place, is wilfully prevented from, or obstructed or delayed in entering the same or any part thereof, or where any external or internal door of, or means of access to, any such house, room, premises, or place so authorised to be entered, shall be found to be fitted or provided with any bolt, bar, chain, or any means or contrivance for the purpose of preventing, delaying, or obstructing the entry into the same, or any part thereof, of any officer authorised as aforesaid, or for giving an alarm in case of such entry, or, if any such house, room, or place is found fitted or provided with any means or contrivance for unlawful gaming, or with any means or contrivance for concealing, removing, or destroying any instruments of gaming, it shall be evidence, until the contrary be made to appear, that such house, room, premises, or place is used as a common gaming-house within the meaning of this Act, and that the persons found therein were unlawfully playing herein. Obstructing entry of constables to be evidence of house being a common gaming-house.

**10** It shall not be necessary in support of any information for gaming in, or suffering any games or gaming in, or for keeping, or using, or being concerned in the management or conduct of a common gaming-house or place for gaming, to prove that any person found playing at any game was playing for any money, wager, or stake. Proof of gaming for money.

**11** Where any cards, dice, balls, counters, tables, or other instruments of gaming used in playing any unlawful game are found in any Evidence of gaming.

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house, room, premises, or place suspected to be used as a common gaming-house or place for gaming, and entered under a special warrant under the provisions of this Act, or about the person of any of those who shall be found therein, it shall be evidence (until the contrary be made to appear) that such house, room, premises, or place is used as a common gaming-house, and that the persons found in the room or place where such tables or instruments of gaming shall have been found were playing therein, although no play was actually going on in the presence of the officer entering the same under such warrant, or in the presence of those persons by whom he shall be accompanied as aforesaid; and the Justices before whom any person is taken by virtue of the said warrant may direct all such tables and instruments of gaming to be forthwith destroyed.

Justices may require any of the persons apprehended to be sworn and give evidence.

**12** It shall be lawful for the Justices of the Peace before whom any persons shall be brought who have been found in any house, room, or place entered in pursuance of any authority granted under this Act, to require of any such persons to be examined on oath and give evidence touching any unlawful gaming in such house, room, or place, or touching any act done for the purpose of preventing, obstructing, or delaying the entry into such house, room, or place, or any part thereof, of any officer authorised as aforesaid; and no person so required to be examined as a witness shall be excused from being so examined when brought before such Justices as aforesaid, or from being so examined at any subsequent time by or before the same or any other Justices, or by or before any Court on any proceeding, or the trial of any information, action, or suit in anywise relating to such unlawful gaming or any such acts as aforesaid, or from answering any questions put to him touching the matters aforesaid, on the ground that his evidence will tend to criminate himself; and any such person so required to be examined as a witness who refuses to make oath accordingly, or to answer any such questions as aforesaid, shall be subject to be dealt with in all respects as any person appearing as a witness before any Justice of the Peace or Court in obedience to a summons or subpcena and refusing without lawful cause or excuse to be sworn or to give evidence may by law be dealt with.

Penalty on refusing to be sworn.

Indemnity of witnesses.

**13** Every person concerned in any unlawful gaming, and who is examined as a witness by or before any Justices, or on the trial of any information against the owner or keeper or other person having the care or management of any common gaming-house or place for gaming, touching such unlawful gaming, and every person so required to be examined as a witness as aforesaid who, upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he is so examined, shall receive from the Justices of the Peace or Judge of the Court by whom he is examined a certificate in writing to that effect, and shall be freed from all criminal prosecutions and penal actions, and from all penalties, forfeitures, and punishments to which he may have become liable for anything done before that time in respect of the matters touching which he has been so examined; but such witness shall not be indemnified under this Act unless he receive from such Justices or Judge a certificate in writing under their hands stating that such witness has on his examination made a true disclosure touching all things as to which he has been examined; and if any action, information, or other proceeding be at any time

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pending in any Court against any person so examined in respect of any act of gaming touching which he was so examined as a witness, in manner before mentioned, for any such matter or thing, such Court shall, on the production and proof of such certificate, stay the proceedings in any such action, information, or other proceeding, and may in its discretion award to such person such costs as he may have been put to by such action, information, or other proceeding. **A.D. 1891.**

**14** Any Superintendent, Sub-Inspector, or Sergeant of Police or any Constable authorised by a Justice of the Peace or the Commissioner of Police, may enter into any house, room, premises, or place where any public table or board is kept for playing at billiards, bagatelle, bowls, fives, racket, quoits, skittles, or nine-pins, or at any game of the like kind, when and so often as such constables and officers think proper **Empowering constables to visit houses.**

**15** Every person who shall, by any fraud or unlawful device or ill practice in playing at or with cards, dice, tables, or other game, or in bearing a part in the stakes, wagers, or adventures, or in betting on the sides or hands of them that do play, win from any other person to himself or any other any sum of money or valuable thing, shall be deemed guilty of obtaining such money or valuable thing from such other person by a false pretence with intent to cheat or defraud such person of the same, and being convicted thereof shall be punished accordingly. **Cheating at play.**

**16** All contracts or agreements, whether by parole or in writing, by way of gaming or wagering, and all claims for money lent or advanced for the purpose of gaming, shall be null and void; and no suit shall be brought or maintained in any Court of Law or Equity for recovering any sum or money or valuable thing alleged to be won upon any wager, or which shall have been deposited in the hands of any person to abide the event on which any wager shall have been made: Provided always, that this provision shall not be deemed to apply to any subscription or contribution, or agreement to subscribe or contribute, for or toward any plate, prize, or sum of money to be awarded to the winner of any lawful game, sport, pastime, or exercise. **Wagers not recoverable at law.**

**17** In every case in which any person in any respect offends against this Act or any provision therein, where no other penalty in that behalf is by this Act specifically imposed, such person shall for every such offence forfeit and pay on conviction a penalty or sum not exceeding Twenty Pounds. **Cases not specially provided for, and recovery of penalties.**

**18** When any distress shall be made for any money to be levied by virtue of the warrant of any Justice of the Peace under this Act, the distress shall not be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the information, summons, warrant of apprehension, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser from the beginning on account of any irregularity which shall be afterwards committed by him; but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage by an action on the case in any Court of record. **Distress not unlawful for want of form.**

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Tender of amends.

**19** No plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of the provisions of this Act, or in or under or by virtue of any authority thereby given, if tender of sufficient amends be made by or on behalf of the party who has committed such irregularity, trespass, or other wrongful proceeding before such action brought; and in case no tender be made the defendant in any such action may by leave of the Court, where such action depends at any time before issue joined, pay into Court such sum of money as he thinks fit, whereupon such proceeding, order, and adjudication shall be had and made in and by such Court as in other actions where defendants are allowed to pay money into Court.

Limitation of actions.

**20** No action, suit, or information, or any other proceeding of whatsoever nature, shall be brought against any person for anything done or omitted to be done in pursuance of the provisions of this Act, or in the execution of the authorities thereunder, unless notice in writing be given by the party intending to prosecute such suit, information, or other proceeding to the intended defendant One month at least before prosecuting the same, nor unless such action, suit, information, or other proceeding be brought or commenced within Three months next after the act or omission complained of, or, in case there be a continuation of damage, then within Three months next after the doing such damage shall have ceased.

Certain Acts not to be applied in Administration of Justice.  
16 C. 2, c 7.  
10 W. 3, (I.)  
3 Anne, c 14.  
11 Anne, (I.)

5 &amp; 6 W. 4, c. 41;

and part of 18 G. 2, c. 34.

**21** From and after the commencement of this Act, an Act passed in the Sixteenth year of the Reign of King *Charles* the Second, and an Act passed by the Parliament of *Ireland* in the Tenth year of the Reign of King *William* the Third, each of such Acts being intituled *An Act against deceitful, disorderly, and excessive Gaming*, and so much of an Act passed in the Ninth year of the Reign of Queen *Anne*, and of an Act passed by the Parliament of *Ireland* in the Eleventh year of the same Reign, each of such Acts being intituled *An Act for the better preventing of excessive and deceitful Gaming*, as was not altered by an Act passed in the Sixth year of the Reign of His late Majesty, intituled *An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and certain other illegal Transactions*, and so much of an Act passed in the Eighteenth year of the Reign of King *George* the Second, intituled *An Act to explain, amend, and make more effectual the Laws in being to prevent excessive and deceitful Gaming, and to restrain and prevent the excessive Increase of Horse Races*, as relates to the first recited Act of Queen *Anne*, or as renders any person liable to be indicted and punished for winning or losing at play or by betting, at any one time, the sum or value of Ten Pounds, and within the space of Twenty-four hours the sum or value of Twenty Pounds, shall not be applied in the administration of justice in this Colony, except as to any penalties incurred before the commencement of this Act and the proceedings for recovery and application of the same.

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## SCHEDULE.

A.D. 1891.

## FORM OF WARRANT.

Sect. 3.

TASMANIA }  
TO WIT. }

To *A.B.*, Superintendent of Police for the City of *Hobart*, [*or, as the case may be.*]

Whereas it appears to me, *W.T.*, a Police Magistrate [*or as the case may be*], and one of Her Majesty's Justices of the Peace, by the Information on Oath of *A.B.*, of \_\_\_\_\_, Superintendent of Police, that the house, [room, premises, or place], known as [*here insert a description of the house, room, premises, or place by which it may be readily known and found,*] is kept and used as a Common Gaming-house within the meaning of "The Gaming Act, 1891:"

This is, therefore, in the name of Our Lady the Queen, to require you, with such assistants as you may find necessary, to enter into the said house [room, premises, or place,] and, if necessary, to use force for making such entry, whether by breaking open doors or otherwise, and there diligently to search for all Instruments of unlawful Gaming which may be therein, and to arrest, search, and bring before me, or some other Justice or Justices of the Peace, as well the keepers of the same as also the persons there haunting, resorting, and playing, to be dealt with according to Law; and for so doing this shall be your Warrant.

J.P

Given under my hand at  
in *Tasmania* aforesaid, this  
day of

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 435

STATISTICAL MECHANICS

PROBLEM SET 1

WINTER 2004

DATE: \_\_\_\_\_

1. Consider a system of  $N$  particles in a volume  $V$  at temperature  $T$ . The particles are distributed in phase space according to the Boltzmann distribution. The phase space volume element is  $d\Gamma = \frac{1}{h^{3N}} d^3x d^3p$ . The total phase space volume is  $\Omega = \int d\Gamma$ . The probability of finding the system in a phase space volume  $d\Gamma$  is  $P(d\Gamma) = \frac{e^{-\beta H(\Gamma)} d\Gamma}{\Omega}$ , where  $\beta = 1/(k_B T)$  and  $H(\Gamma)$  is the Hamiltonian of the system.

2. The entropy of the system is  $S = -k_B \int P(d\Gamma) \ln P(d\Gamma) d\Gamma$ . Using the Boltzmann distribution, show that  $S = k_B \ln \Omega - \beta \langle H \rangle$ , where  $\langle H \rangle$  is the average energy of the system.

3. The average energy of the system is  $\langle H \rangle = \int H(\Gamma) P(d\Gamma) d\Gamma$ . Show that  $\langle H \rangle = -\frac{1}{\beta} \frac{\partial \ln \Omega}{\partial \beta}$ .

4. The heat capacity of the system is  $C_V = \frac{d\langle H \rangle}{dT}$ . Show that  $C_V = k_B \beta^2 \frac{d^2 \ln \Omega}{d\beta^2}$ .

5. The entropy of the system can also be written as  $S = k_B \ln \Omega - \beta \langle H \rangle$ . Show that  $S = k_B \ln \Omega - \beta \langle H \rangle + \beta \langle H \rangle$ .

6. The entropy of the system is  $S = k_B \ln \Omega - \beta \langle H \rangle$ . Show that  $S = k_B \ln \Omega - \beta \langle H \rangle + \beta \langle H \rangle$ .