

Bill No. 52 of 1935.

A BILL RESPECTING SLOT MACHINES.

NOTE.

This Bill replaces chapter 36 of 1924: it defines slot machines (section 2) : declares that such machines shall not be capable of ownership nor the subject of property rights (section 3) : prohibits the keeping of slot machines (section 4) : provides for warrants to search for and seize slot machines (section 5), and the seizure and for the disposition thereof (section 6) : provides for seizure without warrant of machines found in public places (section 7) : prescribes as to the proceedings leading to confiscation (section 8) ; and confers regulatory powers on the Lieutenant Governor in Council (section 9).

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 52 of 1935.

An Act respecting Slot Machines.

(Assented to _____, 1935.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Slot Machine Act, 1935.*"

2. In this Act, unless the context otherwise requires—

- (a) "Peace Officer" shall mean any person who is a member of the Royal Canadian Mounted Police Force, or of the police force of any city, town, village or municipal district in the Province, or who is appointed as a constable under the provisions of any statute of the Province providing for the appointment of constables;
- (b) "Slot machine" shall mean—
 - (i) any machine which under the provisions of section 986, subsection (4), of the Criminal Code, is deemed to be a means or contrivance for playing a game of chance; and
 - (ii) any slot machine and any other machine of a similar nature, the result of one of any number of operations of which is, as regards the operator, a matter of chance and uncertainty, or which as a consequence of any number of successive operations yields different results to the operator, notwithstanding that the result of some one or more or all of such operations shall be known to the operator in advance.

3. No slot machine shall be capable of ownership, nor shall the same be the subject of property rights within the Province, and no court or civil jurisdiction shall recognize or give effect to any property rights in any slot machine.

4. No person shall keep or operate or permit to be kept or operated upon any premises or in any place any slot machine within the Province.

5. Upon information on oath by any peace officer that there is reasonable grounds for believing that any slot machine is kept in any building or premises, it shall be lawful for any justice of the peace by warrant under his hand to

authorize and empower the peace officer to enter and search the building or premises and every part thereof; and for that purpose to break open any door, lock or fastening of the building or premises or any part thereof: it shall not be necessary for any peace officer to set out in the information any reason or grounds for his suspicion or belief.

6. Every peace officer executing or assisting in the execution of any warrant issued pursuant to section 5 of this Act who finds upon the premises mentioned in the warrant any machine or device which he believes to be a slot machine, shall forthwith seize and remove the same and shall bring the same before a justice of the peace; and shall immediately thereafter serve upon the occupant of the said premises or the person in whose possession the slot machine was at the time of the seizure a notice requiring the person so served to appear at a time not sooner than the seventh day after the date of service and at a place named therein before any justice who shall then be there to show cause why the slot machine so seized should not be confiscated.

7. Every peace officer may without a warrant seize any slot machine which he finds in any public place or in any place or premises to which the public are admitted, and upon making any such seizure shall proceed in the manner set out in section 6 of this Act as if he had made the seizure under the authority of a search warrant.

8. At the time and place mentioned in the notice any justice who shall then be there shall hear anything that may be alleged as a cause why the machine should not be confiscated and unless he is by reason of what is so alleged satisfied that the machine is not a slot machine within the meaning of this Act, he shall proceed to make an order that the machine shall be confiscated to His Majesty to be disposed of as the Attorney General may direct and shall have power to make such order whether or not the person served with the notice is the owner or lessee of or otherwise entitled to the possession of the said machine.

9. For the purpose of carrying into effect the provisions of this Act, the Lieutenant Governor in Council may make such regulations and prescribe such forms not inconsistent with the terms of this Act as he may deem necessary, and such regulations and forms shall have the same force and effect as if incorporated herein.

10. *The Slot Machine Act*, being chapter 36 of the Statutes of Alberta, 1924, is hereby repealed.

11. This Act shall come into force on the day upon which it is assented to.

No. 52.

FIFTH SESSION
SEVENTH LEGISLATURE
25 GEORGE V
1935

B I L L

An Act respecting Slot Machines

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. LYMBURN

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1935