

*At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 4<sup>th</sup> day of December 1759, and in the 33<sup>d</sup> year of His Majesty's Reign.*

33 George II – Chapter 1 (Session 2)

**An Act to prevent Gaming.**

Be it enacted by his Excellency the Governor, council, and assembly, and by the authority of the same it is hereby enacted, that from and after the publication hereof, all public gaming at cards, dice, tennis, bowls, or any other games whatsoever; and all lotteries, and public gaming-tables, shall be deemed and adjudged to be nuisances [nuisances]; and all notes, bills, bonds, judgments, mortgages, or other securities or conveyances whatsoever, given, granted, drawn, or entered into, or executed, by any persons whatsoever, where the whole or any part of the consideration of such conveyances or securities shall be for any money, or other valuable thing whatsoever, won by gaming or playing at cards, dice, tables, tennis, bowls, or other game or games whatsoever, or by betting on the sides or hands of such as do game at any of the games aforesaid; or for the reimbursing or repaying any money knowingly lent or advanced for such gaming or betting as aforesaid, or lent and advanced for such gaming or betting as aforesaid, or lent and advanced at the time and place of such play, to any person or persons so gaming or betting as aforesaid, or to any other person or persons in trust for, or to the use of them so gaming or betting; or that shall, during such play, so game or bett, shall be utterly void, frustrate, and of none effect, to all intents and purposes whatsoever: and that where such mortgages, securities, or other conveyances, shall be of lands, tenements, or hereditaments, or shall be such as incumber or affect the same, such mortgages, securities, or other conveyances, shall enure and be to and for the sole use and benefit of, and shall devolve upon, such person or persons, as should or might have, or be intitled to such lands, tenements or hereditaments, in case the said grantor or grantors thereof, or the person or persons so incumbering the same had been naturally dead; and as if such mortgages, securities, or other conveyances, had been made to such person or persons so to be intitled after the decease of the person or persons so incumbering the same; and that all grants or conveyances, to be made for the preventing such lands or tenements or hereditaments from coming to, or devolving upon such person or persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect to all intents and purposes whatsoever.

And be it further enacted, that from and after the publication hereof, any person or persons whatsoever, who shall by playing at cards, dice, or tables, or any other game or games whatsoever, or by betting on the sides or hands of such as do play at any game or games as aforesaid, within twenty four hours, or at any one meeting or sitting, lose to any one or more person or persons, so playing or betting, any sum or sums of money, exceeding the sum of twenty shillings, or any other valuable thing or things whatsoever beyond the value of the sum of twenty shillings, and shall pay or deliver the same or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty, within one month then next following, to sue for and recover the money or goods so lost and paid or

delivered, or any part thereof, from the respective winner or winners thereof, with costs of suit, by action of debt founded on this act; to be prosecuted in any of his majesty's courts of record, in which action it shall be sufficient for the plaintiff, or received to the plaintiff's use, the monies so lost and paid, or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him according to the form of this act; and in case the person or persons who shall lose such money or other thing as aforesaid, shall not, within the time aforesaid, really and bona fide, and without coven or collusion, sue, and with effect prosecute for the money or other thing so by him or them lost and paid, or delivered as aforesaid, it shall and may be lawful to and for any person or persons, within one month thereafter, by any such action or suit as aforesaid, to sue for and recover the same with costs of suit, against such winner or winners as aforesaid; the one moiety thereof to the use of the person or persons that will sue for the same, and the other moiety to the use of the poor of the town where the offence shall be committed.

And be it further enacted, that the parent, guardian, or master of any person or persons under the age of twenty-one years, shall likewise be at liberty to sue for and recover, in manner as is before prescribed, any money or other thing won by gaming from such persons within lawful age, and treble the value of the money so won, with costs of suit.

And be it further enacted, that if any person shall by fraud, unlawful device, or ill practice whatsoever, in playing at any game or games whatsoever, or by bearing a share or part in the stakes, or by betting on the sides of such as shall play, win, or acquire to themselves, or to any others, any money or other valuable thing; every person so winning or acquiring by such ill practice as aforesaid, and being thereof convicted of any of the said offences, upon indictment or information, shall forfeit five times the value of the money or other thing, so won as aforesaid, such penalty to be recovered by such person as shall sue for the same by such action as aforesaid.

And for the better suppressing all publick gaming houses, it is hereby further enacted, that it shall and may be lawful to and for any two or more of His Majesty's justices of the peace, to enter into any public houses suspected of keeping any gaming tables, and to order and direct the keepers of such gaming tables, if any such shall be found therein, to remove the same within forty-eight hours, as a public nuisance; and any person refusing or neglecting to obey the order of such justices, the said justices shall have power to break and prostrate such publick gaming tables, and also to require sufficient security from persons keeping such public gaming houses, for their good behaviour during twelve months, or for their appearance at the next quarter sessions, there to be prosecuted for offending against this act, and on conviction, to be either fined or imprisoned, as the court shall direct.