

process shall issue for the sum of ten pounds or forty shillings, or upwards as aforesaid, and no affidavit or indorsement shall be made as aforesaid, the plaintiff or plaintiffs shall not proceed to arrest the body of the defendant or defendants, but shall proceed in like manner as is by this act directed in cases where the cause of action does not amount to the sum of ten pounds or forty shillings, or upwards as aforesaid.

cess for £10. or 40s. and no affidavit, the body of defendant shall not be arrested.

**CAP. XXVI**

**An ACT to PREVENT GAMING.**

*I. Be it enacted by the Governor, Council and Assembly,*

**T**HAT for the more effectually preventing and suppressing gaming of every kind, 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 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 bet, shall be utterly void, frustrate and of none effect, to all intents and purposes whatsoever: and that where such mortgages, securities and 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 entitled 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 entitled 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.

Notes, bonds &c. for money or other things won by gaming or playing at cards, &c. void and of no effect.

Mortgages &c. of lands &c. made and executed for money or other things won as aforesaid, shall enure to the use of persons otherwise entitled, &c. if made to them.

In actions for money &c. won on any wager or bett, the plaintiff shall suffer a non-suit and the defendant recover costs.

II. *And be it hereby further enacted*, That in all actions of the case or other actions, (except such suits as shall be brought under this act) which shall or may hereafter be brought in any court of judicature within this province, for any sum or sums of money, in which it shall appear on trial of the same that the cause of action accrued by or in consequence of a wager or gaming bett, that the plaintiff shall in all such cases suffer non-suit, and the defendant recover full costs against him.

If more than 20s or 20s worth be lost at cards &c. within twenty four hours or at one sitting and the same be paid or delivered, the party losing may sue for and recover the same with costs.

III. *And be it further enacted*, That 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 fides 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, loose 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 to alledge that the defendant or defendants are indebted to the plaintiff, or received to the plaintiffs use, the monies so lost and paid, or converted the goods won of the plaintiff to the defendants use whereby the plaintiffs action accrued to him according to the form of this act, without setting forth the special matter.

Money or other thing won from minors may be sued for and recovered by guardian or master and treble the value with costs.

IV. *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.

Persons convicted of fraud &c. in playing at any game as aforesaid shall forfeit five times the value of the money or thing won

V. *And be it further enacted*, That if any persons 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 fides 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.

VI.

VI. And for the better suppressing all public gaming houses, *Be it hereby further enacted,* That it shall and may be lawful to and for any two 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 public gaming tables, and also to require sufficient security, from persons keeping such 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, or in case he or they shall refuse to find security, then to commit him or them to the common goal of the county for trial. On conviction, to be either fined or imprisoned, as the court shall direct.

Two justices may enter public houses suspected of keeping gaming tables and order their removal within 48 hours and on refusal to remove, may break and prostrate the same and require security from the offenders for their good behavior, &c.

In case of refusal to find security, offenders to be committed.

On conviction to be fined or imprisoned.

VII. *And be it further enacted by the authority aforesaid,* That it shall be lawful for any two justices of the peace to cause to be brought before them every person against whom information shall be lodged by the members of the grand jury sworn at the preceding session of the peace held in the county, or by some one of them that he or they have reason to suspect such person to have no visible estate or calling to maintain himself by, but that he does for the most part support himself by gaming; and if such person shall not make it appear that the principal part of his expenses is not maintained by gaming, such justices shall require of him security for his good behaviour for twelve months, and in default of his finding such security commit him to the common goal until he shall find such security.

On information of sworn grand jurors two justices to apprehend persons suspected of maintaining themselves by gaming.

If persons so charged do not prove the contrary, such justices may require security for 12 months and on non-compliance may commit.

CAP. XXVII.

An ACT for preventing IDLENESS and DISORDERS, and for punishing ROGUES, VAGABONDS, and other idle and disorderly persons.

I. *Be it enacted by the Governor, Council and Assembly,*

THAT all persons who not having any visible means of maintaining themselves, live idle and refuse to work for the usual wages, and all persons going about to beg alms, and all idle and wandering persons, who shall not have a pass or testimonial from some justice of the peace, setting forth from whence such idle and wandering persons shall have come and the place to which they are to pass, and all persons who return to such town parish or place from whence they have been legally removed by order of two justices of the peace, without bringing a certificate from

Persons not having any visible means of maintaining themselves, refusing to work, going about to beg alms, not having a pass from a justice, returning to the place from whence removed, shall be deemed idle and disorderly.