

ANNO SEPTIMO

VICTORIÆ REGINÆ.

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CAP. III.

An Act to stay Proceedings for Three Calendar Months, and till the End of the present Session of Parliament, in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming, and to prevent any Proceedings being taken under those Statutes during such limited Time. [5th *March* 1844.]

WHEREAS by an Act passed in the Ninth Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act for the better preventing of excessive and deceitful Gaming*, it is among other things enacted, that from and after the said First Day of *May* One thousand seven hundred and eleven any Person or Persons whatsoever who shall at any Time or Sitting, by playing at Cards, Dice, Tables, or other Game or Games whatsoever, or by betting on the Sides or Hands of such as do play at any of the Games aforesaid, lose to any One or more Person or Persons so playing or betting, in the whole, the Sum or Value of Ten Pounds, and shall pay or deliver the same or any Part thereof, the Person 9 Anne, c. 14.

or

or Persons so losing and paying or delivering the same shall be at liberty, within Three Months then next, to sue for and recover the Money or Goods so lost and paid or delivered, or any Part thereof, from the respective Winner and Winners thereof, with Costs of Suit, by Action of Debt founded on this Act, to be prosecuted in any of Her Majesty's Courts of Record, in which Actions or Suits no Essoign, Protection, Wager of Law, Privilege of Parliament, or more than One Imparlance shall be allowed; in which Actions it shall be sufficient for the Plaintiff to allege that the Defendant or Defendants are indebted to the Plaintiffs or received to the Plaintiffs Use the Monies so lost and paid, or converted the Goods won of the Plaintiffs to the Defendants Use, whereby the Plaintiffs Action accrued to him, according to the Form of this Statute, without setting forth the special Matter; 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 *bonâ fide*, and without Covin 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, by any such Action or Suit as aforesaid, to sue for and recover the same and treble the Value thereof, 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 Parish where the Offence shall be committed: And whereas similar Provisions are contained in an Act similarly intituled, passed in the Parliament of *Ireland* in the Eleventh Year of the Reign of Her said Majesty: And whereas by an Act passed in the Sixteenth Year of the Reign of His Majesty King *Charles* the Second, intituled *An Act against deceitful, disorderly, and excessive Gaming*, it is amongst other things enacted, that if any Person or Persons shall play at any of the Games in the said Act enumerated and set forth, or any other Pastime, Game or Games whatsoever (other than with and for ready Money), or shall bet on the Sides or Hands of such as do or shall play thereat, and shall lose any Sum or Sums of Money or other Thing or Things so played for exceeding the Sum of One hundred Pounds at any one Time or Meeting, upon Ticket or Credit or otherwise, and shall not pay down the same at the Time when he or they shall so lose the same, the Party and Parties who loseth or shall lose the said Monies or other Thing or Things so played or to be played for above the said Sum of One hundred Pounds shall not in that Case be bound or compelled or compellable to pay or make good the same, but the Contract and Contracts for the same and for every Part thereof, and all and singular Judgments, Statutes, Recognizances, Mortgages, Conveyances, Assurances, Bonds, Bills, Specialties, Promises, Covenants, Agreements, and other Acts, Deeds, and Securities whatsoever which shall be obtained, made, given, acknowledged, or entered into

11 Ann.(I.)

16 Car. 2. c. 7.

for

for Security or Satisfaction of or for the same or any Part thereof, shall be utterly void and of none effect, and that the said Person or Persons so winning the said Monies or other Things shall forfeit and lose treble the Value of all such Sum and Sums of Money or other Thing or Things which he shall so win, gain, obtain, or acquire above the said Sum of One hundred Pounds, the one Moiety thereof to our said Sovereign Lord the King, His Heirs and Successors, and the other Moiety thereof to such Person or Persons as shall prosecute or sue for the same within One Year next after the Time of such Offence committed, and to be sued for by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoin, Protection, or Wager of Law shall be allowed; and that every such Plaintiff or Plaintiffs, Informer or Informers, shall in every such Suit and Prosecution have and receive his treble Costs against the Person and Persons offending and forfeiting as aforesaid, any Law, Custom, or Usage to the contrary notwithstanding: And whereas Provisions nearly similar to those last above recited are contained in an Act similarly intituled, passed in the Parliament of *Ireland* in the Tenth Year of the Reign of His Majesty King *William* the Third: And whereas several Persons have been subjected to Proceedings at Law at the Suit of common Informers or Persons other than the actual Losers: And whereas it is expedient that such Proceedings as have already been commenced at the Suit of any common Informer, or such other Persons than the actual Losers, under the above-recited Provisions of the said Acts or any or either of them, for the Recovery of any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred by playing at any of the Sports or Pastimes mentioned in the Schedule hereunto annexed, or by betting on the Sides or Hands of such as did play at the same, should be stayed and suspended for a limited Time, and that during such limited Time no Proceedings should for the future be commenced in such Cases by any common Informer, or any Person other than the actual Loser: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately after the passing of this Act it shall be lawful for any Person against whom any original Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted by or at the Suit of any common Informer, or Person other than the actual Loser, on or before the Day of the passing of this Act, for the Recovery of any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred under the said Provisions of the said Act passed in the Ninth Year of Her said Majesty Queen *Anne*, or of the said Act passed in the Sixteenth Year of His said Majesty King *Charles* the Second, or of any other Act,

10 W. 3. (I.)

Proceedings commenced by common Informers, or Persons other than the actual Losers, for Penalties incurred by playing at or betting on certain Games to be stayed on Application

to the Court in which they were commenced or to a Judge.

Act, by playing at any of the said Sports or Pastimes mentioned in the Schedule hereunto annexed, and any *bonâ fide* Variety of any of the said Sports, Pastimes, or Games, and any Sport, Pastime, or Game of a like or similar Description to any of the said Sports, Pastimes, or Games to which a different Name may, by general or local Usage, be appropriated, or by betting on the Sides or Hands of such as did play thereat, such playing or betting being alleged to have taken place previously to the First Day of *June* One thousand eight hundred and forty-four, to apply to the Court in which such original Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, or to any Judge of either of the Superior Courts at *Westminster*, for an Order that Proceedings shall be stayed for Three Calendar Months and till the End of the present Session of Parliament; and every such Court or Judge, as the Case may be, is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Informer, or to his Attorney, of the Application, and upon being satisfied by Affidavit or otherwise that such Proceedings have been commenced for the Recovery of such Forfeiture or pecuniary Penalty as aforesaid, to make such Order as aforesaid; and upon the making such Order aforesaid all further Proceedings on such Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall be forthwith stayed and suspended as aforesaid.

The like Remedy in Cases where Penalties may have been incurred under the Irish Acts.

II. And be it enacted, That immediately after the passing of this Act it shall be lawful for any Person against whom any Proceeding or Proceedings shall have been commenced or prosecuted by or at the Suit of any common Informer in *Ireland* on or before the Day of the passing of this Act, for the Recovery of any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred under the said Provisions of the said Act passed in the Eleventh Year of Her said Majesty Queen *Anne*, or of the said Act passed in the Tenth Year of His said Majesty King *William* the Third, or of any other Act, by playing at any of the said Sports or Pastimes, or by betting on the Sides or Hands of such as did play at the same, such playing or betting being alleged to have taken place previously to the First Day of *June* One thousand eight hundred and forty-four, to apply to the Court or a Judge in *Dublin* in like Manner, and such Court or Judge shall proceed in like Manner and make such Order therein as is herein-before directed to be done in the like Proceedings commenced by any common Informer in *England*.

Restricting Proceedings by any common In-

III. And be it enacted, That from and after the passing of this Act no Proceeding or Proceedings whatever shall be commenced or prosecuted by any common Informer, or Person other than

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the actual Loser, his Executors or Administrators, in the United Kingdom of *Great Britain* and *Ireland*, under the said above-recited Provisions of the said Acts, or any or either of them, or of any other Act, for any Forfeiture or pecuniary Penalty incurred or supposed to be incurred by playing at any of the said Sports or Pastimes, or by betting on the Sides or Hands of such as do play at the same, before the First Day of *June* One thousand eight hundred and forty-four.

former, &c. under any of the above Provisions after the passing of this Act.

IV. And be it enacted, That no Indictment or other criminal Proceeding whatsoever shall be presented or prosecuted against any Person for winning or losing by playing or betting at or on any of the said Sports or Pastimes, or for betting on the Sides or Hands of such as do play thereat, without the Consent of Her Majesty's Attorney General for the Time being, under his Hand in Writing first had and obtained.

Actions not to be brought without the Consent of the Attorney General.

V. Provided always, and be it enacted, That the Operation of this Act shall not extend beyond the last Day of the present Session of Parliament; and that nothing herein contained shall extend or be construed to extend to authorize the staying or suspending any Proceedings which may be commenced after the last-mentioned Day.

Limiting the Duration of this Act.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c. this Session.

SCHEDULE referred to in the above Act.

Horse Races.	Cricket.
Foot Races.	Tennis.
Boat Races.	Fives.
Regattas.	Racquets.
Rowing Matches.	Bowls.
Sailing Matches.	Quoits.
Coursing Matches.	Curling.
Fencing Matches.	Putting Stone.
Golf.	Foot Ball.
Wrestling Matches.	

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