

No. 65.

AN ACT to prevent and punish gambling.

Gambling debts
how collectable.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That all promises, notes, bills, bonds, covenants, contracts, agreements, judgments, mortgages, or other securities or conveyances, made, given, granted, or entered into, or executed, by any person or persons whomsoever for the whole or any part, or shall be for any money, property or any valuable thing won by gambling, or playing at cards, dice, or other games of hazard whatsoever, or by betting on the side or hand or hands with any person or persons playing or gaming as aforesaid, or for the re-imbursing or paying any money or other valuable thing, lent or advanced at the time of such playing, knowing the intention of the borrower so to let or hazard the same shall be good and valid in all courts of law and equity in this territory and collectable as provided in the second section of this act.

Money paid,
how to be re-
covered.

SECTION 2. If any person, who shall at any time by playing or betting at cards, dice or any other game or games of hazard whatsoever, or by betting on the side or hands of such as do bet or game, lose any money or other valuable thing and shall pay or deliver the same it shall be lawful for any person or persons to sue for and recover in the name of the board of county commissioners of the county in which such money or other valuable thing was lost for the use of such county, from the respective winner or winners, with cost of suit, in any court having competent jurisdiction, in which action it shall be sufficient for the plaintiff to declare generally as in actions of debt or assumpsit for money had and received by the defendant to the use of the plaintiff, or as in actions of detinue or trover upon a supposed finding and detaining, or converting the money or property of the plaintiff to the use of the defendant, whereby an action hath accrued to the plaintiff according to the form of this act, without setting forth the special matter, and the testimony of the person losing in the absence of other testimony shall be received in any action brought as aforesaid.

I owing party a
competent wit-
ness.

SECTION 3. Every person, who shall set up or keep any table or gambling device, commonly called faro bank, E. O. roulette, equality or any kind of gambling device adopted, devised and designed for the purpose of playing any game of chance, for money or property, and shall induce, entice or permit any person to bet or play at or upon any such gaming table, or gambling device, or at or upon any game played at or by any means of such table or gambling device, or on the side or against the keeper thereof, shall on conviction be adjudged guilty of a misdemeanor, and punished by fine not exceeding one thousand dollars and not less than twenty-five dollars, or by imprisonment not exceeding three months and less than ten days, or by both such fine and imprisonment.

Penalty for keeping any gaming table, &c.

SECTION 4. Every person who shall bet any money or property, or play at or upon any gaming table, bank or device prohibited by the preceding section, or who shall bet upon or play at any game played at or by means of any such gaming table or bank or other device, or on the side or against the keeper thereof, shall on conviction thereof be adjudged guilty of a misdemeanor, and punished by fine not exceeding five hundred and not less than ten dollars.

Or betting thereon.

SECTION 5. Every person who shall suffer or permit any gaming table, bank or device, prohibited by the preceding provisions, to be set up or used for the purpose of gaming, in any house, building, shed, lot, or out house, yard, garden, out lot or other premises to him belonging, or by him occupied, or of which he hath at the time the possession or control, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by fine not exceeding five hundred dollars nor less than one hundred dollars for every such offense, or by imprisonment not exceeding three months nor less than ten days, or by both such fine and imprisonment at the discretion of the court.

or suffering the same to be set up on his premises.

SECTION 6. Every person who shall set up or keep a gaming house, shall, on conviction, be adjudged guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars nor less than two hundred dollars, or by imprisonment not exceeding ninety days nor less than ten days, or by both such fine and imprisonment at the discretion of the court.

or keeping a gaming house.

or lease a house
as a gaming
house.

SECTION 7. Every person who shall knowingly lease or let to another any house or other building, for the purpose of setting up or keeping therein any of the gaming tables, banks or other devices, prohibited by the preceding provisions, or for the purpose of being used or kept as a gaming house, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by fine not exceeding two hundred and fifty dollars and not less than fifty dollars.

Who to be
deemed keeper
of a gaming
house, &c.

SECTION 8. Every person appearing or acting as master or mistress, or having the care, use or management for the time being, of any prohibited gaming table, bank or device, shall be deemed a keeper thereof; and every person who shall appear or act as master or mistress, or have the care, use or management of any house or building in which any gaming table, bank or device is set up or kept, or of any gaming in which any gaming table, bank or device is in any way used, shall be deemed a keeper thereof.

When lease to
be forfeited.

SECTION 9. Whenever any lessee of any house or building, shall be convicted of suffering or permitting any prohibited gaming table, bank or device to be set up, kept or used therein for the purpose of gaming, or common gaming house, the lease or agreement for letting such house or building shall become void, and the lessee may enter upon the premises so let, and shall have the same remedies for the recovery thereof as in the case of a tenant holding over his term.

Accomplices not
incapacitated as
witnesses.

SECTION 10. No person shall be incapacitated or excused from testifying touching any offence committed by another against any of the foregoing provisions relating to gaming, by reason of his having bet or played at the prohibited games or gaming devices but the testimony which may be given by any person in such case shall in no case be used against such witness.

Gambling de-
vices, how
seized.

SECTION 11. If any justice of the peace have knowledge or shall be informed satisfactorily that there is any prohibited gaming table or gambling device, kept or used within his township, it shall be his duty forthwith to issue his warrant directed to the sheriff or any constable of the proper township to seize and bring before said justice such gaming table or other device.

SECTION 12. The officer who shall be charged with

the execution of any warrant specified in the above section, shall have power if necessary to break open doors for the purpose of executing the same, and for that purpose may summon to his aid the power of the county. Officer to break doors.

SECTION 13. It shall be the duty of every justice of the peace, before whom any such gaming table or other device shall be brought, to cause the same to be publicly destroyed.

SECTION 14. The presiding judge of each district at each and every court shall give this act in special charge to the grand jury. This act to be given in charge.

SECTION 15. It shall be the duty of all sheriffs, deputy sheriffs, justices of the peace and constables, in their proper county, to complain and give information of any breaches of this act, and if any of the above named officers shall fail, neglect or refuse to complain and give information of any and every breach of this act that shall come to their knowledge, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office and be fined in any sum not exceeding one hundred dollars to be recovered by action of debt with costs before any court having jurisdiction thereof for the use of the county in which such suit is brought. Duty of officers.

SECTION 16. The act of the legislative council of Michigan entitled "an act to prevent gaming" is hereby repealed. Repealing clause.

Approved January 18, 1838.

No. 66.

AN ACT to incorporate the borough of Green Bay.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* Extent. That all that part of the town plats of Navarino and Astor, in the county of Brown and territory aforesaid, lying and being within the following limits, viz: commencing at a point on Fox river where the most westerly line of the town plat of Astor intersects said river, thence down said river to the mouth of Devil or East river, thence