

James C. Child
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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other things of value received by such person by reason of his being the owner or holder of any ticket or share of a ticket, in any lottery or pretended lottery, contrary to the provisions of this chapter, shall be forfeited to the use of the territory and may be recovered by an information to be filed, or by a civil action, to be brought by the attorney general or any district attorney in the name and on behalf of the said territory.

CHAPTER 95.

GAMING.

SECTION

- 1. All gaming tables prohibited.
- 2. Gaming how punished.
- 3. Person betting how liable.
- 4. Person suffering gaming device to be set up how liable.
- 5. Who not excused from testifying, &c.

SECTION

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[Chapter 106, Revised Statutes.]

All gaming tables prohibited.

(1.) SEC. I. All e. o. or rolette tables, faro or pharo banks, and all gaming with cards, gaming tables or gambling devices whatever, are hereby prohibited from being set up or used for gaming or gambling purposes in this territory.

Gaming how punished.

(2.) SEC. II. Every person who shall deal cards at the game called faro, pharo, or forty-eight, whether the same shall be dealt with fifty-two, or any other number of cards, and every person who shall keep to be used in gaming, any gambling device whatever, designed to be used in gaming, shall forfeit and be punished by fine not exceeding one hundred nor less than fifty dollars.

Persons betting how liable.

(3.) SEC. III. Every person who shall bet any money, or other property at or upon any gaming table, game or device prohibited by this chapter, shall be punished by fine not exceeding twenty, nor less than five dollars.

Persons suffering gaming device to be set up, how liable.

(4.) SEC. IV. Every person who shall suffer any gaming table, bank, or gambling device prohibited in this chapter, to be set up or used for the purpose of gaming, in any house, building, steamboat, raft, keelboat or boom, lot, yard or garden to him belonging, or by him occupied, or of which he has the control, shall forfeit and be punished by fine, not exceeding one hundred nor less than seventy-five dollars.

Who not excused from testifying, &c.

(5.) SEC. V. No person shall be incapacitated or excused from testifying touching any offense committed by another against any of the provisions of this chapter, 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 such person shall in no case be used against such witness.

Jurisdiction of justices under this chapter.

(6.) SEC. VI. All fines and forfeitures mentioned in this chapter may be recovered before any justice of the peace, in, and in the name of, and for the use of the county where such offense may have been committed.

(7.) SEC. VII. It shall be the duty of the district attorney, upon notice of the commencement of a suit under any of the provisions of this chapter, to immediately prosecute the same, in the name of, and for the use of their respective counties. Duties of district attorney.

RECOVERY OF MONEY OR GOODS LOST BY GAMING.

(8.) SEC. VIII. If any person shall, by playing at cards, dice or other game, or by betting on the hands or sides of such as are gaming, lose to any person so playing or betting any sum of money or any goods whatever, and shall pay or deliver the same or any part thereof to the winner, the person so losing and paying or delivering the same, may sue for and recover such money by a civil action, before any court having competent jurisdiction. Money lost by gaming may be recovered in a civil action.

(9.) SEC. IX. In any suit to be brought as provided in the preceding section, by the person so losing any such money or goods, against the person winning the same, when it shall appear from the complainant that the said money or goods came to the hands of the defendant by gaming, if the plaintiff when required by the court before whom the cause is tried, shall make oath that the said money or goods were lost by gaming with the defendant, as alleged in the complaint, judgment shall be rendered that the plaintiff recover damages to the amount of the said money or goods, unless the defendant will make oath that he did not obtain the same, or any part thereof by gaming; and if he shall so discharge himself on oath, he shall recover of the plaintiff his costs: *provided*, that the plaintiff may, at his election, maintain and prosecute his action according to the usual course of proceedings in civil actions. Judgment how rendered in such cases.

(10.) SEC. X. All notes, bills, bonds, mortgages or other securities or conveyances whatever, in which the whole or any part of the consideration shall be for any money or goods won by gaming or playing at cards, dice, or any other game whatever, or by betting on the sides or hands of any persons gaming, or for reimbursing or repaying any money knowingly lent or advanced at the time and place of such gaming or betting, or lent and advanced for any gaming or betting to any person so gaming or betting, shall be void, and of no effect, as between the parties to the same, and as to all persons except such as shall hold or claim under them in good faith, and without notice of the illegality of the consideration of such contract or conveyance; and whenever any mortgage or other conveyance of lands shall be adjudged void under the provisions of this section, such lands enure to the sole use and benefit of such person as would be then entitled thereto if the mortgagor or grantor were dead; and all grants or conveyances for preventing such lands from coming to and devolving upon the person to whose use and benefit the said lands would so enure, shall be deemed fraudulent and of no effect. Notes, &c., for money won, &c., void.