

Statute of 33 H. c. 9. all Statutes for the restraints of unlawful Games, as touching the penalties' and forfeitures of the same are repealed; so that now the Statute of 33 H. 8. c. 9. as to any penalties is in force, and such Games as be prohibited by 11 H. 4. c. 4. & 33 H. 8. c. 9. or unlawful, viz. Tables; Tennis, Footbal, Coits, Dice, Bowls, Cloysh-cales; half Bowls, Cards, Logats; so that the Offences relating to Games are upon these accounts: First, Games are by those Statutes said to be unlawful in respect of the condition of the persons playing, such are Servants and Labourers in Husbandry, &c. by 12 R. 2. c. 6. 11 H. 4. c. 4. & 33 H. 8. c. 9. Secondly, Persons keeping Houses or Places for those Games for lucre, gain or living. Thirdly, Persons haunting such Houses for those Games sake, out of which cases, Gaming is lawful, and not only the Games before mentioned, are in cases and circumstances aforesaid unlawful; but any new Game to be invented, if used by persons of the mean Condition aforesaid, or used and kept by persons for Game, Lucre and Living are unlawful by 33 H. 8. c. 9. that is, as to some persons using them, and the places where used, as being to such persons, and in such places, means of Idleness, Debauchery, and other grievous mischiefs.

The punishment of Players at Dice, &c. by the civil Law, besides infamy, avoiding of the contract and security for any Money so won, and restitution of the thing so obtained, was, and is arbitrary. See Althusius *Dicxologicæ* p. 417. l. 26.

§. 2.
Search.

Every Justice of Peace may from time to time (as well within Liberties, as without) enter into any common House or Place where any playing at Dice, Tables, Cards, Bowls, Coyts, Cales, Logats, Shove groat, Tennis, Casting the Stone, * Foot-ball, or other unlawful Game, now invented, or hereafter to be invented, shall be suspected to be used; and may arrest the keepers of such places, and imprison them till they find Sureties by Recognizance no longer to occupy any such house, Play, Game, Alley, or place.

§. 3.
Places.

Yet it was resolved in 3 Jac. That if the Guests in any Inn or Tavern, call for a pair of Dice or Tables, and for their Recreations play with them, or if any Neighbours play at Bowls for their Recreations, or the like, that these are not within the Statute of 33 H. 8. c. 9. for the Statute consists of Two parts. 1. That no person shall for his or their Gain, &c. So that although these Games are used in any Inns, Taverns, or other Houses, if the House be not kept for Gaming, Lucre or Gain; but they play only for Recreation, and for no gain to the owner of the House, this is not within the Statute, nor is such person that plays in such House that is not kept for Lucre or Gain, within the penalty of that Law.

Also he may arrest and imprison (without Bail) the Players till they be bound by themselves; or with Sureties, by Recognizance to the Kings use; no more to play at, or to haunt any of the said places or Games. *Ibid.*

The said Statute of 33 H. 8. prohibited all manner of persons to play at any unlawful Game in any common House, Alley, or place; except the keeper of such House or place have a Placard, containing what Games shall there be used, as also what persons shall play thereat: and then such persons may play there, &c.

Also the said Statute prohibiteth all Artificers, Husbandmen, Labourers, Marines, Fishermen and Watermen, and all Apprentices and Servants, whatsoever, to play at any unlawful Game, in any place or at any time, except in Christmas time only and in their Houses, or Servants in their Masters

P. 3 H. 8. 9.
3 Inst. 64.
Players. 5.
* 12 R. 2.
c. 6.
Lam. 196

33 H. 8. c. 9.