

Masters Houses, and by their Masters Licence; or Serving men within the Precinct of their Masters House, Garden, or Orchard, and by their Masters License. Also no manner of person shall at any time play at Bowls in any open places, out of his Garden or Orchard. P. 4.

And the said Statute seemeth to make all Games almost unlawful, save Shooting in the long Bow, that being a great defence for the Realm, and a meet exercise for all manner of persons to use, and a means to prevent or divert Men from other unlawful, crafty, and deceitful Games, and from the inordinaate and common haunting of Ale houses and Tipling.

Every Justice of Peace finding or knowing any person to exercise or use any of the aforesaid unlawful Games (contrary to this Statute of 23 H.8. cap.9.) may commit him to Ward, there to remain without Bail, until he become bound (in such sum of Mony as he the said Justice shall think reasonable in his discretion) that he shall not from henceforth use such unlawful Games. *Ibid.*

31 H. 8. c. 9. *The Penalties for Artificers, Husband men, Laborers, Apprentices, Servants at Husbandry, Journey man, or Servant of Artificers, Mariners, Fishermen, Watermen, or Serving men, Playing at Tables, Tennis, Dice, Cards, Bowls, Clash, &c. out of Christmas, is Forty shillings, and in Christmas time to play in their Masters House or presence.* §. 4. Penalties.

Ibid. The Penalty for keeping a House of unlawful Games, is Forty shillings per diem.

Ibid. The Penalty for resorting thither, or playing there, is Six shillings and eight pence for every time.

Ibid. Majors, Sheriffs, Constables, and Head-officers, &c. shall once a Month search places suspected, or forfeit for every Month Forty shillings.

Ibid. All Majors, &c. and Head-officers, shall four times every year, Proclaim this Statute in the Market. And all Justices of Peace shall Proclaim the same in their Sessions. §. 5.

31 Eliz. c. 5. All Suits upon the Statutes of unlawful Games, shall be heard, sued, and prosecuted, at the Assizes or Sessions of the County where the offence is committed, and not out of the County.

2 & 3 Ph. & Ma. c. 9. Every License, Placard, or Grant, made to any person for having or keeping any Bowling-Alley, Dicing Houses, or other unlawful Games, prohibited by the Laws of the Realm, shall be void.

Although these Games aforesaid, are by Statute prohibited as unlawful for some places, persons, and times; yet are they not unlawful or evil of themselves, but are matters of Recreation and Pleasure, (though some of them more vain and more idle than others:) And the King by his Prerogative may tolerate and license the moderate use of all such Games, as it shall seem good to His Majesty, Co. 11. 85. b. §. 6.

Note also, That playing at Cards, Dice, and the like, are not prohibited by the Common Laws of this Realm, (except that one be deceived by false Dice, or false Cards; and then he that is deceived, may have his Action of the Case for such Deceit;) neither are they *malum in se*, or of their own natures, for then none might be tolerated or licensed to use them; whereas the Statute doth except and tolerate certain persons, places and times. And yet good * Divines do hold divers of these Recreations to be altogether unlawful, as being actions wherein we neither bless God, nor look to receive a Blessing from God; nay, such as we dare not pray to God for a Blessing on them, nor on our selves in the use thereof: But especially on the Sabbath-day all such Recreations and Games are holden unlawful. For if lawful Works be forbidden on that day, much more unlawful

* B. Bailly. 400. Dr. Wellet. 498. M. Perkin.

3 H. 8. 9. Just. 64.ayers. 5. 12 R. 2. 6. am. 196

3 H. 8. c. 9.