

August Court Anno Domini 1759

As aforesaid or lent or advanced at the Time and place of such Play to any person or persons so gaming or betting as aforesaid or that shall during such play so Play or bet shall be utterly void frustrate and of none effect to all Intents or purposes what soever any Statute Law or Usage to the contrary thereof in anywise notwithstanding as by the said Act among other things fully appears and the said William further avers that after the first day of May in the year of our said one Thousand Seven Hundred & Eighty in the Act aforesaid mentioned and before the making the said Writing in the Declaration aforesaid mentioned that is to say on the Twenty fifth day of July in the year of our said one Thousand Seven Hundred and forty four at Charles County aforesaid the said William did then and there Play and lose at Cards to wit at a game called Whist eight Hundred Pounds of above part of the consideration of the said Writing in the Declaration aforesaid mentioned the day year and Place last aforesaid dated & made by him the said William and to the said Thomas and Company as his due Debts which by the said Writing brought into this Court in the Declaration aforesaid mentioned is by force of the Statute aforesaid utterly void frustrate and of none effect in Law and this he is Ready to verify Whereupon he prays Judgment whether he ought to be charged with the said debt by Virtue of the said Writing and for the

Phase of Dep<sup>ts</sup>

And the aforesaid Thomas Marshall and Company say that by any thing by the aforesaid William Thomas above by Pleading alleged from their Action aforesaid thereof against the same William Thomas to have ought not to be precluded because they say that the Plea aforesaid by the aforesaid William in manner and form aforesaid above pleaded and the matter in the same contained is not sufficient in Law for them the said Thomas Marshall and Company from their Action aforesaid thereof against the aforesaid William Thomas to have to be precluded to which same plea they the same Thomas Marshall and Company have no need nor by the Law of the Land are held in any manner to answer and this they are Ready to verify Whereupon for want of a sufficient Answer in this part they the same Thomas Marshall & Company pray Judgment and their debt to them to be adjudged &c.

The Clark p<sup>ts</sup>

And the aforesaid William saith that the Plea aforesaid by him in manner and form aforesaid above pleaded and the matter in the same contained are good and sufficient in Law to have precluded them the said Thomas Marshall & Co. from their Action aforesaid thereof against him the said William which said plea and the matter in the same contained by the same William is Ready to aver and Prove as far as the Court &c. and because the aforesaid Thomas and Company hath not answered to that Plea nor the same hitherto hath any way denied and the same William pray Judgment and that the aforesaid Thomas & Co. may be precluded from having their Action aforesaid against him the said Wm. Whereupon the Issues and matters aforesaid being seen and by the Court here, fully understood & attended singular the Premises being Examined, and mature Deliberation being had thereupon. For that it seems to the Court here that the Plea aforesaid by him the said William in manner and form aforesaid above pleaded and the matter in the same contained, are good and sufficient in Law to have precluded the aforesaid Thomas & Co. from having their Action aforesaid against him the said Wm. It is therefore considered that the aforesaid Thomas and Company shall take nothing by their Writ Subjunct aforesaid but for their false Complaint thereof shall be in money and the aforesaid William go thereof with out day &c. And it is further considered by the Court here that the aforesaid William do Prover against the aforesaid Thomas and Company the sum of Three Hundred and forty four Pounds and one half p<sup>ts</sup> of above for his Costs and Charges by him sustained about his defence aforesaid in this behalf adjudged to the same William by the Court according to the form of the Statute in the like case Whereupon mace and Bonds and the same William have thereof Execution of &c.