

or may at any time proceed by action on contract for the recovery of the moneys owing thereon, and that in all the cases mentioned in this section, the plaintiff or complainant in such action, suit or proceeding shall be entitled to all the remedies and processes to which he would be entitled in case the said debt or obligation was due and payable at the time of the beginning of such suit, action or proceeding.

Act to be liberally construed.

18. SEC. 2. That this act shall be construed in all courts of judicature in the most liberal manner for the detection of fraud, the advancement of justice and the benefit of creditors, and that this act shall take effect immediately.

Gaming.

1. All wagers unlawful.
2. Money, if paid, may be recovered back.
3. Promises, &c., on account of any money wagered, void.
4. Property transferred for gaming debts shall go to heirs.
5. Suit for money lost.

6. If the loser does not sue within six months, any other person may prosecute.
7. Winner compelled to answer bills in equity.
8. Penalty for opening and drawing a lottery.
9. Sales and conveyance by lottery invalid.

R. S. 572, 589.

P. L. 1871, p. 109.

All wagers unlawful.

P. L. 1871, p. 109, § 1.

Money may be recovered back.
Ib., § 2.
Amended.

Promises, agreements, &c., on account of any money or property wagered, void.
R. S. 572, § 2.
P. L. 1871, p. 109, § 1.

Property transferred for gaming debts shall go to heirs, &c.
R. S. 572, § 3.
Amended.

Suit for money lost.
Ib., § 4.
Amended.

An act to prevent gaming.

Revision—Approved March 27, 1874.

1. That all wagers, bets or stakes made to depend upon any race or game, or upon any gaming by lot or chance, or upon any lot, chance, casualty, or unknown or contingent event, shall be unlawful. (a)

2. That any person who shall pay, deliver or deposit any money, property or thing in action, upon the event of any wager or bet herein prohibited, or which is or shall be prohibited by any law of this state, may sue for and recover the same of the winner, or person to whom the same shall be paid or delivered, or of the stakeholder, or other person in whose hands the same shall be deposited, or any part thereof, whether the same shall have been delivered or paid over by such depository or stakeholder or not, and whether any such wager be lost or not. (b)

3. That all promises, agreements, notes, bills, bonds, contracts, judgments, mortgages, leases, or other securities or conveyances which shall be made, given, entered into, or executed by any person, where the whole or any part of the consideration thereof shall be for money, property, or thing in action whatsoever, laid, won or betted in violation of the first section of this act, or for reimbursing or repaying any money knowingly lent or advanced to help or facilitate such violation, shall be utterly void and of none effect.

4. That if any such sale, conveyance, lease, or mortgage of either real or personal estate, as is made void in the preceding section shall be made, the same shall enure to the use of the heirs or legal representatives of such vendor, bargainor, lessor, or mortgagor, and shall vest the whole estate and interest so attempted to be transferred in such property, to all intents and purposes, in such heirs or legal representatives, in the same manner as though such vendor, bargainor, lessor or mortgagor had died intestate; and all conveyances or other devices to evade this provision shall be utterly void.

5. That if any person shall lose any money, goods, chattels or other valuable thing, in violation of the first section of this act, and shall pay or deliver the same or any part thereof to the winner, or to any person to his use, or to a stakeholder, it shall be lawful for such person to sue for and recover said money, goods, chattels, or other valuable thing, from

(a) This section was not repealed or affected by section 222, on page 1090, *ante*. *McClellan v. State*, 20 Fr. 471. *Harving v. State*, 22 Fr. 387. Contracts for speculations in stocks upon margins, when the broker and the customer do not contemplate or intend that the stock purchased or sold shall become or be treated as the stock of the customer, but the real transaction is a mere dealing in the differences between prices, that is, in the pay-

ment of future profits or losses, as the event may be, are contracts of wager and unlawful under the act to prevent gaming. *Flagg v. Baldwin*, 11 Stew. 219. See, also, *Smith v. Jones*, 16 N. J. L. J. 245, 17 N. J. L. J. 187. *Tantum v. Arnold*, 15 Stew. 60.
(b) See *Moore v. Tripp*, 263. *Huncke v. Francis*, 3 Dutch. 55. *Sutphin v. Crozer*, 1 Fr. 257; reversed in 3 Fr. 462. *State v. Hall*, 3 Fr. 158.

said winner, or from said depository, or from said stakeholder, whether the same has been delivered or paid over by said stakeholder or not, with costs of suit, in an action of debt, founded on this act, in any court of this state having cognizance thereof; in which action it shall be sufficient to declare for so much money had and received for the plaintiff's use, without setting forth the special matter; *provided*, that such suit shall be brought within six calendar months after payment or delivery as aforesaid.

6. That if the person who shall lose and pay such money, or lose and deliver such thing or things as aforesaid, shall not, within the time aforesaid, really and bona fide, and without covin or collusion, sue, and with effect prosecute for the money or other thing or things so lost and paid, or delivered, it shall and may be lawful for any other person, by any such action as aforesaid, to sue for and recover the same, with costs of suit, from such winner, depository or stakeholder as aforesaid; the one moiety thereof to the use of the person suing for the same, and the other moiety to the use of the state; *provided*, that such suit shall be instituted within six calendar months from and after the expiration of the time limited in the preceding section for the loser to prosecute for the same.

7. That every person who, by virtue of this act, shall or may be liable to be sued for moneys or other things so won, paid or deposited, as aforesaid, shall be obliged and compellable to answer, upon oath or affirmation, such bill or bills as shall be preferred against him in a court of equity, for discovering the money or other things so won, paid or deposited as aforesaid.

8. No person shall, within this state, publicly or privately, erect, set up, open, make or draw any lottery prohibited by the laws of this state; and any person who shall offend in the premises shall forfeit, for every such offense, two thousand dollars, to be recovered by action of debt, with costs, by any person who will sue for the same, in any court of record having cognizance thereof; and all penalties recovered under this section shall be appropriated one-half thereof to the use of the county in which the action or actions for the recovery thereof shall have been prosecuted, and the residue to the informer; and in every action instituted under this section, the inhabitants of the county where the same is instituted shall be competent to serve as jurors, and admitted as witnesses in any such action, notwithstanding their liability to taxation, or being interested. (a)

9. Every grant, bargain, sale, conveyance, or transfer of any goods, chattels, lands, tenements, hereditaments or real estate, which shall be made in pursuance of any such lottery forbidden by the laws of this state is hereby declared to be invalid and void. (b)

If the loser does not sue within six months, any other person may prosecute.
Ib., § 5.

Winner compelled to answer bills in equity.
Ib., § 6.
Amended.

Penalty for opening or drawing a lottery.
R. S. 589, § 2.

Sales and conveyances by lottery invalid.
Ib., § 4.

(a) In a suit commenced by attachment to recover penalties under the gaming act for setting up a lottery in this state, it is necessary to set out in the affidavit to procure the attachment not only the title of the gaming act, but also the title of the crimes act, the fifty-first section of which declares what lot-

teries are prohibited by the laws of this state. *Wolcott v. Skahill*, 27 Vr. 221.
(b) See *Van Doren v. Staats*, Pen. *87. *Hutchinson v. Targee*, 2 Gr. 386. *Watson v. Murray*, 8 C. E. Gr. 257.

Gas Companies.

1. Mode of incorporation. Articles of association to be filed.
2. Articles not to be filed until affidavit is made of compliance with this section.
3. Certified copy to be received in evidence.
4. Directors may receive subscriptions to capital stock.
5. Board of directors to be elected annually.
6. Appointment of officers, &c.
7. Payment of installments. Forfeiture of stock.
8. Stock may be transferred.
9. Capital stock may be increased.
10. Corporate name to be that named in the articles of the association.
11. Liability of stockholders.
12. Certificate of capital stock to be filed in county clerk's office.
13. Annual report shall be made.
14. Dividends.
15. When officers shall be liable for debts, &c.
16. When stockholders liable.
17. Empowered to manufacture and sell gas.
18. Amended by section 27.
19. Meters to be used.
20. Notice to be given where new mains or pipes, &c., are to be laid.
21. Pipes not to interfere with other pipes laid.
22. Time within which company shall lay their main pipe.
23. Penalties for non-compliance with act.
24. Repealer.
25. Corporations under this act to be subject to general laws.
26. Repeal not to affect corporations heretofore organized.
27. Quality of gas to be furnished.
28. Repealer.
29. Shall not refuse to furnish gas by reason of a gas bill remaining unpaid by former occupant.
30. May extend main pipes to neighboring city, &c.
31. Rights and privileges in such neighboring city, &c.
32. Gas companies operating in villages, townships and boroughs may mortgage property and franchises.
33. Bonded indebtedness may be increased.
34. Capital stock, how increased.