

## ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON,  
ON THE FOURTH DAY OF NOVEMBER, A.D. 1719.

## CHAPTER 8.

## AN ACT FOR THE SUPPRESSING OF LOTTERIES.

WHEREAS there have lately been set[t] up within this province certain mischievous and unlawful games, called lotteries, whereby the children and servants of several gentlemen, merchants and traders, and other unwary people have been drawn into a vain and foolish expence of money, which tends to the utter ruine and impoverishment of many families, and is to the reproach of this government, and against the common good, trade, welfare and peace of the province; for remedy whereof,—

*Be it enacted, adjudged and declared, and it is hereby enacted, adjudged and declared by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

[SECT. 1.] That all such lotteries, and all other lotteries are common and publick nusances. Lotteries a public nuisance.

*And it is further enacted by the authority aforesaid,*

[SECT. 2.] That from and after the publication of this act no person or persons whatsoever shall publickly or privately exercise, keep open, show or expose to be played at, drawn at, or thrown at, or shall draw, play or throw at, any such lottery, or any other lottery, either by dice, lotts, cards, balls or any other numbers or figures, or any other way whatsoever; and every person or persons that shall, after the publication of this act as aforesaid, exercise, expose, open or show to be played, thrown or drawn at, any such lottery, play or device, or other lottery, shall forfeit for every such offence the sum of two hundred pounds, to be recovered by information, bill, plaint or action at law, in any of his maj[esty's][ies] courts of record within this province, wherein no essoign, protection or wager of law shall be allowed; one-half thereof to be [to] the king's maj[esty], to be applied towards the support of this governm[en]t, and the other half to him or them that shall inform and sue for the same. Two hundred pounds forfeiture for setting up lotteries.

*And be it further enacted,*

[SECT. 3.] That every person or persons that after the publication of this act as aforesaid, shall play, throw or draw at any such lottery, play or device, or other lotteries, shall forfeit for every such offence, the sum of ten pounds, to be recovered by information, bill, plaint or action at law, in any of his maj[esty's][ies] courts of record within this province, wherein no essoign, protection or wager of law shall be allowed; one half part thereof to be to the king's majesty, to be applied towards the support of this governm[en]t, [and] the other half to him or them that shall inform and sue for the same. Ten pounds forfeiture for drawing at lotteries.

Officers to prevent lotteries.

*And be it further enacted by the authority aforesaid,*  
 [SECT. 4.] That for the more effectual suppressing and preventing such unlawful lotteries, the justices of the peace, sheriffs, undersheriffs, sheriffs' deputies and constables, within their respective jurisdictions, be impowred and required to use their utmost endeavours to prevent the drawing of any such unlawful lottery, heretofore or hereafter to be set up, by all lawful means whatsoever. [*Passed and published November 7.*]

## CHAPTER 9.

AN ACT IN FURTHER ADDITION TO, AND SUPPLEMENT OF, AN ACT ENTITLED "AN ACT FOR MAKING LANDS AND TENEMENTS LIABLE TO THE PAYMENT OF DEBTS," MADE AND PASSED IN THE EIGHTH YEAR OF KING WILLIAM.

*Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Real estates of debtors liable to executions.

1696, chap. 10.  
 1712-13, chap. 8.  
 1716-17, chap. 3.

[SECT. 1.] That when any person or persons shall recover judg[e]ment in any of his majest[y][ie]'s courts within this province, for any sum or sums of money, or any other specie, or for costs of suit, and the person or persons against whom judg[e]ment shall be recovered is either unwilling or unable to satisfy such judg[e]ment by money or other specie, and the creditor or creditors finding no other personal estate to his or their acceptance to extend execution upon, for satisfaction thereof, and doth therefore think fit to levy upon the real estate of such debtor or debtors for the end aforesaid, rather than on the person of the debtor; that then and in every such case, the sheriff, undersheriff or deputy, shall cause three indifferent, discreet men, being freeholders in the county, one to be chosen by the creditor or creditors, one by the debtor or debtors, if he or they see cause, and the third by the sheriff or other officer that shall serve the same, to be sworn before one or more of his majest[y][ie]'s justices in [the] said county, faithfully and impartially to apprise such real estate, as shall be shewn [un]to them, who shall apprise the same to satisfy the execution, with all fees, and set[t] out such estate by meets and bounds; and the sheriff or other officer shall deliver possession and seizen thereof to the creditor or creditors, his or their attorney; which being returned and recorded in the clerk's office of the court out of which the same issued, shall make a good title to such creditor or creditors, his or their heirs and assigns, in fee; saving equity by redemption as by law is prescribed.

15 Mass. 201.  
 3 Pick. 334.

Saving equity of redemption.

Execution to be extended on rents.

[SECT. 2.] And when it so happens that the real estate extended upon cannot be divided and set out by meets and bounds, as before prescribed, that then execution shall be extended upon the rents of such real estate, and seizen given thereof to the creditor or creditors, his or their attorney, and cause the person or persons in the possession and improvement to attorn and become tenant or tenants to such creditor or creditors, and to pay their rents to him or them accordingly; and, upon refusal thereof, to turn the person or persons out of the possession thereof, and give livery, seizen and possession of the same to the creditor or creditors, to hold and enjoy all such real estate to him or them, their heirs or assigns, till the judg[e]ment, inter[r]est and fees be fully satisfied and paid, reserving thereout the widow's thirds or dower, if any there be.

*Provided alwa[y][ie]s,*

Proviso.

[SECT. 3.] That it shall and may be lawful for any debtor or debt-