SCHEDULE B.

Form of Notice of Hearing Appeal.

In the Supreme Court. }
}

A. B., Appellant, and C. D., Respondent.

Take notice that this appeal will be heard at the next session of this Court to be held at the City of Ottawa, on the day of 187

To

Dated this day of 187

Appellant's Solicitor or Attorney,
or
Appellant in person.

SCHEDULE C.

Tariff of Fees to be paid to the Registrar of the Supreme Court of Canada.

On entering every appeal.....	$10 00
On entering every judgment, decree or order in the nature of a final judgment	$10 00
On entering every other judgment, decree or order.....	$2 00

In other matters the fees shall be regulated by the Tariff in force in the Exchequer Court of Canada in actions of the first class, and in every case not thereby provided for, the fees to be paid shall be in discretion of the Registrar, subject to revision by the Court or a judge.

SELECTIONS.

THE BETTING QUESTION.

It has often been observed that a period of national laxity generally succeeds to a period of national puritanism. The state of English morals after the Restoration, and the state of French morals after all necessity for hypocrisy had been removed by the death of Louis XIV., are instances of the truth of the remark. And the converse holds good also. It is very probable that we owe a great part of the outcry which, during the course of the last thirty or forty years, has, in certain quarters, been continually raised against every specie of betting, to the inordinate height to which the passion of gambling was carried at the time of the Regency. However that may be, that the outcry exists is clear, nor does it proceed only from the mouths of would-be moralists, from our pulpits, or from the pages of religious magazines. The legislature has shown a vigilant activity in the matter, and has passed in the present reign a series of progressively restrictive statutes on the subject (8 & 9 Vict. c. 109; 16 & 17 Vict. c. 119; 17 & 18 Vict. 38; 37 & 38 Vict. c. 15); and these statutes, though penal, have been construed strictly against "betting men" by the Courts.* It is our object in the following pages to show, as concisely as possibly, that in spite—perhaps because—of the extreme care bestowed on this question by our Parliament and by our Judges, it stands at present on a by no means satisfactory footing, and for this purpose it will be, in the first place, necessary to give a brief historical sketch of the development of the law concerning wagers and bets.

Originally, then, all such transactions, when not contrary to public policy, were deemed valid at common law.† The first two statutes on the subject were the 16 Car. II. c. 7, and the 9 Ann. c. 14, which, read together as being *in pari materiâ*, form the foundation of the law as to gaming or wagering as it at present exists, and upon examination of these enactments, and of the cases in which they have come under discussion, it appears plain that they were directed merely against "fraudulent and excessive gaming," their object being to put down betting on "credit or ticket," except for trifling amounts. The Courts of the time, however, appear in interpreting them to have laboured under more than ordinary difficulty. On the 9 Ann. c. 14, in particular, the cases, of which there are many, are most conflicting.‡

* See *Shaw* v. *Morly*, L. R. 3 Ex. 137; *Bows* v. *Fenwick*, 43 L.J.N.S. M.C. 107; *Eastwood* v. *Millar*, Ib. 139; *Haigh* v. *The Town Council of Sheffield*, L.R. 10, Q.B. 102; and *Oldham* v. *Ramsden*, 32 L.T. Rep. N.S. 825, which, however, went off on a technical point.

† *Sherbon* v. *Colebach*, 2 Vent. 175; *Jones* v. *Randall*, Cowp. 39; *Earl of March* v. *Pigot*, 5 Burr. 2803; See also *Da Costa* v. *Jones* (Chevalier d'Eon's case), Cowp. 729; and *Applegarth* v. *Colley*, 10 M. & W. 723.

‡ *Barjeau* v. *Walmsley*, 2 Stra. 1214; *Robinson* v. *Bland*, 1 W. Bl. 234, and see the decisions collected in the judgments of Rolfe, B., *Applegarth* v. *Colley*, 10 M. & W. 731.