

a wager on a legal horse race. It was argued that as the plaintiff was a bona fide indorsee of the bill for value, it was not avoided in his hands, but Tindal, C.J., held that as the statute avoided the security to all intents and purposes, not even a bona fide indorsee for value could sue.

Next came the statute 5 & 6, Wm. IV., c. 41, which repealed the Act of Anne so far as regarded the avoidance of securities given for gaming debts, and declares that the consideration for which they are given is illegal, or in other words, puts such securities on the same footing as those given for an illegal consideration. The holder of such an instrument may enforce it, if after proof of its illegal inception, he is able to show that he gave value for it, and was ignorant of its origin; in other words that he was a bona fide holder for value.

The next step in England was to make all wagers void. This was done by the Act of 8 & 9 Vict., c. 109, sec. 18, which enacts "that all contracts or agreements, whether by parol or in writing, by way of gaming or wagering, shall be null and void, and that no suit shall be brought or maintained in any court of law or equity, for recovering any sum of money or valuable thing alleged to be won upon any wager, or which shall have been deposited in the hands of any person to abide the event on which any wager shall have been made." This enactment, however, was not to apply to contributions towards a plate or prize or sum of money to be awarded to the winner or winners of any lawful games, sport, pastime or exercise.

The Gaming Act of 1892 carried the law still further in regard to wagers, by making it impossible for a man to recover any commission or reward promised to him for making or paying bets, and by prohibiting the recovery of money paid in discharge of the debts of another.

By the statute of 8 & 9 Vict., the Acts of Charles II. and Anne were repealed, but the statute of Wm. IV. is not affected, and the result would seem to be in England that all contracts of wager are null and void, but as to any securities given, if the wager is upon a game or pastime, it comes with-