

the fact would tend to make third persons the objects of public curiosity. In the case of *Good v. Elliott*, 6 T.R., 693, Buller, J., said:—"I am of opinion that a bet on a lady's age, or as to whether she has a mole on her face, whether she has a wart on her face (which is considered a nasty thing), is void." (3) Wagers which gave either party an interest in doing or procuring some unlawful act. Such is the well-known case of *Gilbert v. Sykes*, 16 East, 150, in which the plaintiff, a country parson, when dining with the defendant, the squire, made a bet at the defendant's own table, after dinner (as the report is careful to say). The conversation turned upon the probability of the assassination of Napoleon Bonaparte, then First Consul, and by the terms of the wager, the defendant received from the plaintiff 100 guineas on the 31st of May, 1802, in consideration of paying the plaintiff a guinea a day thereafter as long as Bonaparte lived. The defendant paid his guinea up the 25th of December, 1804, and then stopped, whereupon the plaintiff brought his action, but was held not to be entitled to succeed, on grounds of public policy, and on the ground, amongst others, that a person who was drawing a guinea a day as long as Napoleon lived, would be slow to perform the duties of a citizen in the event of Napoleon, as was threatened, invading England.

So numerous were the actions brought upon these wagers at one time, that the time of the court was wasted in adjudicating upon them, and the judges took upon themselves to postpone the trial of all actions of this kind until the rest of the business had been disposed of, or in the language of Bayley, J., in *Gilbert v. Sykes*, "until the courts had nothing else to attend to."

The practice of betting finally grew to such alarming proportions that the Legislature had to intervene, and the first statute restricting the power of enforcing gaming debts was passed, namely, 16 Charles II., chap 7. This statute, after reciting that all games and exercises should not be used otherwise than as innocent and moderate recreations, and not as a calling and means of livelihood, and that young people wasted their time and fortunes in the immoderate use of the same,