

SARDO v. FONGERES.

{3 Cranch, C. C. 655.}¹

Circuit Court, District of Columbia. Dec. Term, 1829.

GAMING—BILLIARDS—ACTION TO RECOVER
MONEY WON.

Money won at billiards is money won at play, within the 5th section of 9 Anne, c. 14, and cannot be recovered if more than £10 be won at one time; which section of that statute is in force in the county of Washington.

Appeal from the judgment of a justice of the peace for \$50, of which \$48 were won at billiards at one time, and \$2 were for the 491 use of the billiard-table, the plaintiff [Michael Sardo] below being the owner of the table.

Mr. Marbury, for appellant [Lewis Fongeres], contended that the debt was void by the 5th section of the English statute of 9 Anne, c. 14, which was in force in Maryland, on the 27th February, 1801, and adopted as a part of the law of Maryland, as they then existed; the amount won at one time being more than £10. 1 Com. Cont. 41.

Mr. Wallach, and Mr. Elkins, for appellee, contended that, as the Maryland act of 1797 (chapter 110), respecting gaming-tables, excepted billiard-tables, all gaming at billiards was lawful; and that money won at billiards was not within the English statute of 9 Anne, c. 14; and they cited—v. Bland, 3 Burrows,—, and Earl of March v. Pigot, 5 Burrows, 2802, and Act Md. 1797, c. 110.

THE COURT (THRUSTON, Circuit Judge, absent) reversed the judgment, with costs of this court, and entered judgment for the appellee for \$1, for the use of the table, he being the owner thereof.

¹ [Reported by Hon. William Cranch, Chief Judge.]

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