

Case No. 16,662. UNITED STATES v. WELLS.
[2 Cranch, C. C. 45.]¹

Circuit Court, District of Columbia.

June Term, 1812.

GAMING—MARYLAND STATUTES—GEORGETOWN BY-LAWS.

The by-law of Georgetown, prescribing a penalty for keeping a public gaming-table, does not supersede, nor repeal the Maryland act of 1797, c. 110, prescribing a penalty for keeping a faro-table in a house occupied by a tavern-keeper.

[Cited in *U. S. v. Holly*, Case No. 15,381.]

[Cited in *Town of Van Buren v. Wells*, 53 Ark. 368, 14 S. W. 40.]

Indictment under the act of assembly of Maryland of 1797, c. 110, for keeping a faro-table in a house occupied by a tavern-keeper.

There was a verdict for the defendant, at the last term, and a motion for a new trial, upon a question of law reserved, namely, whether the defendant was liable to the fine of £50 imposed by the act of assembly, he having been fined by a justice of the peace 20 dollars under the by-law of the corporation of Georgetown, of March 7, 1806, which enacts that any person who shall keep any public gaming-table or device for common gaming, within the corporation, shall “for every offense of gaming at such table or device for gaming, forfeit and pay the sum of twenty dollars.” The offense for which he was thus fined was one of the acts of gaming at the faro-table for the keeping of which, in a house occupied by a tavern-keeper, the present indictment was found. The charter of the corporation of Georgetown gave them power “to restrain or prohibit gambling;” and authority to pass all laws not inconsistent with the laws of the United States, which may be necessary to carry into effect all the powers vested in the corporation.

THE COURT (FITZHUGH, Circuit Judge, absent) was of opinion that the payment of the fine under the by-law did not prevent the operation of the general law (Act 1797, c. 110), and ordered judgment to be entered up for the penalty of £50.

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