

No. 78.

A N A C T

To authorize the erection of Harrisville, in Butler county, into a separate school district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the borough of Harrisville, in the county of Butler, is hereby erected and created a new and separate common school district, and as such shall be entitled to all the offices, rights, powers and privileges allowed by law to other common school districts; and the elections thereof shall be held at the same time and place with the borough elections of said borough; and the electors of the said district shall, at their next election, elect six school directors thereof, two to serve one year, two to serve two years, and two to serve three years, said election to be conducted by the same officers who conduct said borough elections; and the successors of said directors shall be elected in the manner directed by law, as to other school districts.*

JAMES COOPER,
Speaker of the House of Representatives.

CH. GIBBONS,
Speaker of the Senate.

APPROVED—The sixteenth day of February, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 79.

A N A C T

For the suppression of gambling.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* if any person shall keep a room, building, arbor, booth, shed or tenement, to be used or occupied for gambling, or shall knowingly permit the same to be used or occupied for gambling; or if any person, being the owner of any room, building, arbor, booth, shed or tenement, shall rent the same, to be used or occupied for gambling, the persons so offending

Penalty on keeper
or owner of any
building, &c.,
used for gambling
purposes.

Or if he has a knowledge of it.

shall, on conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars; and if the owner of any room, building, arbor, booth, shed or tenement, shall know that any gaming tables, apparatus or establishment is kept or used in such room, building, arbor, booth, shed or tenement, for gambling and winning, betting or gaining money, or other property, and shall not forthwith cause complaint to be made against the person so keeping or using such room, building, arbor, booth, shed or tenement, he shall be taken, held and considered to have knowingly permitted the same to be used and occupied for gambling.

Who shall be deemed a common gambler.

SECTION 2. If any person shall keep or exhibit any gaming table, establishment, device or apparatus, to win or gain money, or other property of value, or to aid, assist or permit others to do the same; or if any person shall engage in gambling for a livelihood, or shall be without any fixed residence, and in the habit or practice of gambling, he shall be deemed and taken to be a common gambler; and upon conviction thereof, shall be imprisoned and kept at hard labor in the penitentiary, not less than one nor more than five years, and be fined five hundred dollars, to be paid into the treasury of the county where such conviction shall take place, for the use of common schools therein, to be divided among the accepting school districts in such county, in proportion to the number of taxable inhabitants in each district.

Manner of proceeding specified.

SECTION 3. If an affidavit shall be filed with the magistrate before whom complaint shall be made of an offence against any provision of this act, stating that the affiant has reason to believe, and does believe, that the person charged in such complaint has upon his person, or at any other place named in such affidavit, any specified articles of personal property, or any gaming table, device or apparatus, the discovery of which might lead to establish the truth of such charge, the said magistrate shall, by his warrant, command the officer who is authorized to arrest the person so charged, to make diligent search for such property, and table, device or apparatus, and if found, to bring the same before such magistrate; and the officer so seizing, shall deliver the same to the magistrate before whom he takes the same, who shall retain possession and be responsible therefor, until the discharge or commitment, or letting to bail of the person charged; and in case of such commitment or letting to bail of the person so charged, such officer shall retain such property, subject to the order of the court before which such offender may be required to appear, until his discharge or conviction; and in case of the conviction of such person, the gaming table, device or apparatus shall be destroyed, and the property shall be liable to pay any judgment which may be rendered against such person; and after the payment of such judgment and costs, the surplus, if any, shall be paid to the use of the common schools aforesaid; and in case of the discharge of such person by the magistrate or court, the officer having such property in his custody, shall, on demand, deliver it to such person.

Liability of witness removed.

SECTION 4. If any person called to testify, on behalf of the state, before any justice of the peace, grand jury or court, upon any complaint, information or indictment for any offence made punishable by this act, shall disclose any fact tending to criminate himself, in any matter made punishable by this act, he shall thereafter be discharged of and from all liability to prosecution or punishment for such matter or offence.

Officers to issue warrant.

SECTION 5. It shall be lawful for any justice of the peace, chief magistrate of any municipal incorporation, or judge of any court of common pleas, upon complaint, upon an oath, that any gaming table establishment, apparatus or device is kept by any person, for the purpose of being used to win or gain money, or other property, by the owner

thereof, or any other person, to issue his warrant, commanding any sheriff or constable to whom the same shall be directed, within the proper jurisdiction, after demanding entrance, to break open and enter any house, or other place, where such gaming establishment, apparatus or device shall be kept, and to seize and safely keep the same, to be dealt with as hereinafter provided.

SECTION 6. Upon return of said warrant executed, the authority is- Proceedings on
 suing the same shall proceed to examine and inquire, touching the said the return of war-
 complaint; and if satisfied that the same is true, he shall order the rant.
 officer so seizing such gaming establishment, apparatus or device, forth-
 with to destroy the same; which order the said officer shall proceed to
 execute in the presence of said authority, unless the person charged as
 keeper of said gaming establishment, apparatus or device, shall, without
 delay, enter into a recognizance in the sum of six hundred dollars, with
 sufficient sureties, to be approved by said authority, for the appeal of Appeal.
 said complaint to the court of common pleas next to be held in the pro-
 per county, conditioned that the defendant will appear at the next term
 of the court to which he appeals, and abide the order of such court;
 and for the payment of the full amount of the fine and all costs, in case
 he shall be found guilty of the offence charged, and judgment be ren-
 dered against him in said court.

SECTION 7. The officer taking such recognizance, shall return the Appeal to be
 same to the clerk of the court to which said appeal is taken, forthwith, prosecuted by in-
 and such clerk shall file the same in his office, and the complaint shall dictment.
 be prosecuted in such court by indictment, as in other criminal cases;
 and upon conviction thereof, the appellant shall be fined not more than
 fifty dollars, and shall pay the costs of prosecution; and such gaming
 establishment, apparatus or device shall be destroyed.

SECTION 8. If any person or persons shall, through invitation or de- Enticers to be
 vice, persuade or prevail on any person or persons to visit any room, punished.
 building, arbor, booth, shed or tenement, kept for the use of gambling,
 he or they shall, upon conviction thereof, be held responsible for the
 money or property lost by such invitation or device, and fined in any
 sum not less than fifty and not more than five hundred dollars.

SECTION 9. It shall be the duty of all sheriffs, constables, and of all Penalty on offi-
 prosecuting attorneys, to inform and prosecute all offenders against this cers neglecting
 act; and upon refusal thereof, shall pay a fine of not less than fifty nor their duties.
 more than five hundred dollars.

SECTION 10. This act shall be given in charge to the grand jury by This act to be
 the president judge of the court of quarter sessions in the respective given in charge
 counties. to grand jury.

SECTION 11. This act shall take effect on the first day of July next. ^{When to take}
 effect.

JAMES COOPER,

Speaker of the House of Representatives.

CH. GIBBONS,

Speaker of the Senate.

APPROVED—The sixteenth day of February, one thousand eight hun-
 dred and forty-seven.

FRS. R. SHUNK.