

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2939 Gaming; action by loser; oath of parties; prosecution according to common law; forfeiture; limitation; securities; lands enuring of benefit.

Sec. 2939.

(1) In any suit brought by the person losing any money or goods, against the person receiving the same, when it appears from the complaint that the money or goods came to the hands of the defendant by gaming, if the plaintiff makes oath before the court in which such suit is pending, that the money or goods were lost by gaming with the defendant as alleged in the complaint, judgment shall be rendered that the plaintiff recovered damages to the amount of the said money or goods, unless the defendant makes oath that he did not obtain the same, or any part thereof by gaming with the plaintiff; and if he so discharges himself, he shall recover of the plaintiff his costs; but the plaintiff may at his election, maintain and prosecute his action according to the usual course of proceedings in such actions at common law.

(2) Every person who wins or loses, at any time or sitting, by gaming or betting on the hands or sides of such as are gaming, any money or goods, to the value of \$5.00 or more, whether the same is paid over or delivered, or not, shall forfeit and pay 3 times the value of such money or goods if the action therefor is commenced within 6 months after the committing of the offense.

(3) All notes, bills, bonds, mortgages, or other securities or conveyances whatever, in which the whole or any part of the consideration, shall be for any money or goods won by playing at cards, dice, or any other game whatever, or by betting on the sides or hands of such as are gaming, or by any betting or gaming whatever, or for reimbursing or repaying any moneys knowingly lent or advanced for any gaming or betting, shall be void and of no effect, as between the parties to the same, and as to all persons, except such as shall hold or claim under them in good faith, and without notice of the illegality of such contract or conveyance.

(4) Whenever any mortgage or other conveyance of land is adjudged void under (3), such lands shall enure to the sole benefit of such person or persons as would be entitled thereto, if the mortgagor or grantor were naturally dead; and all grants and conveyances for preventing such lands from coming to or devolving upon the person or persons to whose use, and benefit the said lands would so enure, is fraudulent and of no effect, except as against purchasers in good faith, and without notice of the illegality of such mortgage or other conveyance.

History: 1961, Act 236, Eff. Jan. 1, 1963