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Found in the Archives no. 93 Circuit Court Clerk's Office Historic Records Center

Illegal Gaming Charges in Fairfax County



Happy New Year, and welcome to Found in the Archives, a publication of The Clerk of the Fairfax Circuit Court, 19th Judicial Circuit, who proudly serves The City of Fairfax & Fairfax County. In the first edition of Found in the Archives for 2024, we will look at charges for Illegal Gaming in some of our historic court records.

Charges for Illegal Gaming, or gambling, mostly appear in our Term Papers collection and our Court Order Books. Our Term Papers consist of what may be thought of as regular court cases, like civil or criminal charges brought against individuals. Court Order Books functioned as a docket or record of cases heard in

court each session and typically contain very few case details. The very first record of someone being charged with Illegal Gaming in Fairfax County was in 1753, before the Revolutionary War, when six men were charged with Gaming and each ordered to pay a fine of Five Pounds.

West John West gon.
 John West Son^r Abraham Barnes, Baldwin Dado, Townshend Dado Michael Hall and
 John Bayley being convicted of Gaming ^{contrary to Law} before Daniel M. Carty, John Caslyle & William
 Ramsay Gent. Justices of the Peace from whose Judgment they appealed to this Court
 and on hearing the Evidence it is considered that the Judgment given by the said
 Justices be affirmed & that the churchwardens of Suro Parish recover against each
 of them Five Pounds with Costs &c.

Fairfax Court Order Book 1749 page 331

The last Illegal Gaming charge that appears in our records is in our Term Papers collection in 1898, however, many years of our Term Papers are still unprocessed, so it is likely there are later charges we have yet to discover.

In 1854, several men received charges of Illegal Gaming at the house of William P. Dickey, who was also charged separately for Retailing Ardent Spirits without a License. It is not uncommon to see these charges brought together as people would gather in groups to drink alcohol and gamble or play cards.

late of *8th* day of *May* the County of Fairfax, did on the
 one thousand eight hundred and *fifty three* in the year of our Lord
P. Dickey's at *the same* *Millian*
 a public place in the county, aforesaid, and within the jurisdiction of the said *County*
 court for the said county of Fairfax, unlawfully play at a certain Game
 played with *Cards*
 to wit, a game called *Bluff and seven up or all four*
 against the form of the Act of the General Assembly in that case made and provided and against the peace
 and dignity of the commonwealth.
 Upon the information of *Wm. H. Dickey Atty for*
of the court of Fairfax Co.

Excerpt from Fairfax Term Papers 1854-070

These charges were eventually dropped at the cost of the prosecutor, but the surviving documents do not contain the full story of the case.

1853 June Ct. Indictment received &
sum. ordered to be issued -
" August Court - Not guilty, ref:
ref: issue & Court.
" Nov. Ct. Rule as Comth witness Court
1854 March Ct. Dismissed at
the cost of the prosecutor

Excerpt from Fairfax Term Papers 1854-070

While many of these cases do not specify the charge beyond Illegal Gaming or Gambling, some of them do name the games individuals were playing. Some of the more commonly named games are Chuckaluck, Seven-Up, or Bluff. All Fours, a traditional English Pub card game, is also named in some of the charges, as well as Billiards. There are also some cases of individuals being charged with Gaming on the Sabbath.

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considered the Arguments of the ^{parties} do Order that the Def^t shall deliver to the Pl^t the Billiard
Table which he purchased of the Pl^t and that each party shall pay his own costs. Given &
under our hands this 20th June 1754. John West^r. J^r. Wagm^r. Whereupon it is
considered that the said suit be Dismissed & that each party pay his own costs.
William Honner an Evidence for Berthand Lovell Esq^r ag^t Nathaniel Smith having
attended six days ordered that he pay him for the same & twice coming & going from
Northumberland one hundred & twenty five miles nine hundred pounds of Tobacco
Grand Jury .

Fairfax Court Order Book 1754 page 125

we present Elizabeth W^m of Transparents for keeping a Tippling house &
to the knowledge of two of us
We present James Ingo Dever of Transparents for suffering an lawfull gaming
at five on the sabbath day to the knowledge of two of us
Lewis Ellzey
foreman

Fairfax Court Order Book 1756 page 581

These documents are all an example of how you can use different record groups to learn about a topic here at the Historic Records Center. While Term Papers and Court Order Books offer different information about Illegal Gaming in Fairfax County, they are both valuable tools for researchers looking into all different topics.

If you would like to learn more about these and other court records, come visit the Historic Courthouse on Saturday, February 3rd during the Chocolate Lovers Festival. The Courthouse will be open with documents on display from 10am-3pm, with a mock trial taking place at 10am and a game show at noon.