

in the colony,—their 10 schools, as far back as 1860, being attended by 1273 scholars. It was not till 1869 that, even at Bathurst, a Government school was established; but there are now several schools in connexion with the Episcopal church. The Roman Catholics began the erection of a large schoolhouse in 1873.

The Gambia was visited by the Carthaginian explorer Hanno, and it became early known to the Portuguese discoverers; but it was not till 1618 that English traders began to turn their attention to this quarter. In that year a company was formed for the exploration of the river. Richard Thompson was sent out in the "Catherine," and succeeded in reaching Kassar, a Portuguese trading town, but he never returned, and his fate is not known. Two years afterwards, Richard Jobson advanced beyond the falls of Barraconda; and he was followed, about 40 years later, by Vermuyden, a Dutch merchant. In 1723 Captain Stibbs was sent out by the African Company to verify Vermuyden's reports of gold; he proceeded 60 miles above the falls. The treaty of Versailles in 1763 assigned the right of trade in the Gambia to Britain, reserving the single port of Albreda for the French; while at the same time it assigned the Senegal to France, and reserved the port of Portendic for the British. By the treaty of Paris in 1851 this arrangement was re-established, and it remained in force till 1857, when an exchange of possessions was effected, and the Gambia became a purely British river. In 1870 there was a proposal to transfer the colony to the French; but it led to nothing more than a voluminous diplomatic correspondence.

See Astley's *Collection*, vol. ii.; R. R. Madden's Report to the Government in 1841; T. E. Poole, *Life in Sierra Leone and the Gambia*, 1850; L. Borel, *Voyage à la Gambie*, 1865; and the Parliamentary Papers relating to Her Majesty's Colonial Possessions.

GAMBIER, GAMBIE, or PALE CATECHU. See CATECHU.

GAMBIER, JAMES, BARON (1756-1833), English admiral, was born on the 13th October 1756, at the Bahamas, of which his father, John Gambier, was at that time lieutenant-governor. He entered the navy in 1767 as a midshipman on board the "Yarmouth," under the command of his uncle; and, his family interest obtaining for him rapid promotion, he was raised in 1778 to the rank of post-captain, and appointed to the "Raleigh," a fine 32-gun frigate. At the peace of 1783 he was placed on half-pay; but, on the outbreak of the war of the French Revolution, he was appointed to the command of the 74-gun ship "Defence," under Lord Howe; and in her he had an honourable share in the action off Ushant, on the 1st June 1794. In recognition of his services on this occasion, Captain Gambier received the gold medal, and was made a colonel of marines; the following year he was advanced to the rank of rear-admiral, and appointed one of the lords of the Admiralty. In this office he continued for six years, till, in February 1801, he, a vice-admiral of 1799, hoisted his flag on board the "Neptune," of 98 guns, as third in command of the Channel Fleet under Admiral Cornwallis, where, however, he remained for but a year, when he was appointed governor of Newfoundland and commander-in-chief of the ships on that station. In May 1804 he returned to the Admiralty, and, with a short intermission in 1806, continued there during the naval administration of Lord Melville, of his uncle, Lord Barham, and of Lord Mulgrave. In November 1805 he was raised to the rank of admiral; and in the summer of 1807, whilst still a lord of the Admiralty, he was appointed to the command of the fleet ordered to the Baltic, which, in concert with the army under Lord Cathcart, reduced Copenhagen, and enforced the surrender of the Danish navy, consisting of nineteen ships of the line, besides frigates, sloops, gunboats, and naval stores. This service was considered by the Government as worthy of special acknowledgment; the naval and military commanders, officers, seamen, and soldiers received the thanks of both Houses of Parliament, and Admiral Gambier was rewarded with a peerage.

In the spring of the following year he gave up his seat at the Admiralty on being appointed to the command of the Channel Fleet; and in that capacity he witnessed the partial, and prevented the total, destruction of the French fleet in Basque Roads, on the 12th April 1809. It is in

connexion with this event, which might have been as memorable in the history of the British navy as it is in the life of Lord Dundonald (see DUNDONALD), that Lord Gambier's name is now best known. A court-martial, assembled by order of a friendly Admiralty, and presided over by a warm partisan, "most honourably acquitted" him on the charge "that, on the 12th April, the enemy's ships being then on fire, and the signal having been made that they could be destroyed, he did, for a considerable time, neglect or delay taking effectual measures for destroying them;" but this decision was in reality nothing more than a party statement of the fact that a commander-in-chief, a supporter of the Government, is not to be condemned or broken for not being a person of brilliant genius or dauntless resolution. No one now doubts that the French fleet should have been reduced to ashes, and might have been, had Lord Gambier had the talents, the energy, or the experience of many of his juniors. He continued to hold the command of the Channel Fleet for the full period of three years, at the end of which time—in 1811—he was superseded. In 1814 he acted in a civil capacity as chief commissioner for negotiating a treaty of peace with the United States; for his exertions in which business, he was honoured with the Grand Cross of the Bath. In 1830 he was raised to the high rank of admiral of the fleet, and he died 19th April 1833.

Although he had the good fortune to attain the very highest service rank, Lord Gambier is assuredly not one of those admirals whose memory the British navy treasures or idolizes. His predilection was for a life on shore; and during the great war he so utilized his family interest that he remained for nearly half the time a member of the Admiralty. And whether afloat or ashore, he had neither the genius nor the strength of mind fitted for high command or high office. Personally he was a man of earnest, almost morbid, religious principle, and of undoubted courage; but the administration of the Admiralty has seldom given rise to such flagrant scandals as during the time when Lord Gambier was a member of it; and through the whole war, the self-esteem of the navy suffered no such wound as during Lord Gambier's command in the Bay of Biscay.

The so-called *Memorials, Personal and Historical, of Admiral Lord Gambier*, by Laſy Chatterton (1861), has no historical value. The life of Lord Gambier is to be read in Marshall's *Royal Naval Biography*, in Ralf's *Naval Biography*, in Lord Dundonald's *Autobiography of a Seaman*, in the Minutes of the Courts-Martial, and in the general history of the period.

GAMBOGE, the drug *Cambogia*, a gum-resin procured from *Garcinia Morella*, Desrous., var. *pedicellata*, a dioecious tree with leathery, laurel-like leaves, small yellow flowers, and usually square-shaped and four-seeded fruit (see R. Jamie, *Pharm. Journ.*, 3d ser., vol. iv. p. 802), a member of the natural order *Guttifera*, and indigenous to Cambodia (see CAMBODIA, vol. iv. p. 725), and parts of Siam and of the south of Cochin China, formerly comprised in Cambodian territory. The juice, which when hardened constitutes gamboge, is contained in the bark of the tree, chiefly in numerous ducts in its middle layer, and from this it is procured by making incisions, bamboo joints being placed to receive it as it exudes. Gamboge occurs in commerce in cylindrical pieces, known as pipe or roll gamboge, and also, usually of inferior quality, in cakes or amorphous masses. It is of a dirty orange externally; is hard and brittle, breaks with a conchoidal and reddish-yellow, glistening fracture, and affords a brilliant yellow powder; is odourless, and has a taste at first slight, but subsequently acid; forms with water an emulsion; and consists of from 20 to 25 per cent. of gum soluble in water, and from 70 to 75 per cent. of a resin, *gambogic acid*, soluble in alcohol and ether, and, according to Johnston,

of the formula $C_{20}H_{23}O_4$, together with moisture about 5 per cent., and a trace of ligneous fibre. Its commonest adulterations are rice-flour and pulverized bark. Some quantity of gamboge is shipped from Kämpot in Cambodia, but the principal places of export are Bangkok in Siam, and Saigon in Cochin China. Gamboge is a powerful hydragogue purgative, less drastic than elaterium and croton oil. Like aloes, it appears to exert its chief influence on the lower bowel (*Brit. and For. Med.-Chir. Rev.*, i., 1853, p. 128), and in combination with compound colocynth pill it has been recommended by Dr Symonds as one of the most efficient purgatives in torpor of the colon. The researches of Christison, Pabo, and Daraszkiwicz go to prove that gambogic acid alone is less cathartic than the same weight of gamboge; according to the last-mentioned experimenter and Schaur, the presence of bile in the intestines is requisite for the development of its action. In cerebral affections, as apoplexy, when great debility is not present, gamboge has proved to be a valuable counter-irritant purgative. It is sometimes employed as an anthelmintic, but appears to be devoid of any specific influence on entozoa. Some authorities regard it as decidedly diuretic in action. By Christison and others it has been found highly serviceable in dropsy. Abeille (quoted in *Brit. and For. Med.-Chir. Rev.*, 1853, ii. p. 279) administered it for that disease, in alcoholic solution, in divided doses of 6 grains per diem, increased by 2 grains daily, and given two hours prior or subsequent to meals. With the relief of the dropsy he observed that the patient's toleration of these large quantities ceased. As gamboge is apt to occasion vomiting and griping, it is usually administered in combination with milder remedies. It is an ingredient of the *pilula cambogiae composita* of pharmacy. In overdoses it acts as an acrid poison, provoking violent emesis and catharsis, and abdominal pain, coldness of the extremities, and ulceration and mortification of the intestines, eventuating in death. Gamboge is used as a pigment, and as a colouring matter for varnishes. It appears to have been first brought into Europe by merchants from the East, at the close of the 16th century. Bontius, writing in the year 1658, mentions it under the name of *guttagemou*, a word derived by Rost from the Malay *gutáh*, gum, and Javanese *jamu*, medicinal. By the Chinese gamboge (*tang-hwang* and *shih-hwang*) is understood to be "serpent-bezoar," a substance vomited up by serpents, or the product of a species of ratan, analogous to the tabasheer of the bamboo (F. P. Smith, *Contrib. towards the Mat. Med. . . of China*, 1871). Varieties of gamboge are yielded by *Garcinia Morella*, Desrous., a native of S. India and Ceylon, and by the Indian species *G. pictoria*, Roxb., and *G. travancorica*, Beddome. See Christison, "Obs. on a new variety of Gamboge from Mysore," *Pharm. Journ.*, ser. i. vol. vi. pp. 60-69, and "On the Gamboge Tree of Siam," *ib.*, vol. x. p. 235; F. Mason, "On the Gamboge of the Tenasserim Provinces," *ib.*, vol. vii. p. 398; Perret, *Materia Medica*, vol. ii. pt. ii.; D. Hanbury, "On the Species of *Garcinia* which affords Gamboge in Siam," *Trans. Linn. Soc.*, xxiv., 1864, 487-490; E. J. Waring, *Map. of Pract. Therapeutics*, 3d ed., 1871; J. L. de Lanéssan, "Étude sur le Genre *Garcinia* (Clusiacées) et sur l'Origine et les Propriétés de la Gomme Gutte," *Coll. des Thèses soutenues à la Faculté de Médecine de Paris*, 1872, vol. x., No. 63; Fliückiger and Hanbury, *Pharmacographia*, 1874; H. C. Wood, *A Treatise on Therapeutics*, 1874; Bentley and Trimen, *Medicinal Plants*, pt. xxx., pl. 33.

GAME LAWS. This expression is applied in England to a series of statutes of modern date, establishing a peculiar kind of property in wild animals. These statutes, it is well known, are regarded with great dislike by a large and important section of the people—partly on account of their alleged injurious economic effects, and partly on account of their harsh and exceptional character. It will be well to state first the principles of the common law, and then to show how far they have been superseded by recent legislation.

By the very nature of the case, wild animals cannot be made the subject of that absolute kind of ownership which is generally signified by the term property. The substantial basis of the law of property is physical possession, the actual power of dealing with things as we see fit, and we can have no such power over animals in a state of nature. Accordingly, the common law recognized nothing like property in wild animals, until they had, as it were, been reduced into possession. Wild animals reclaimed or confined become property, but the moment they escape from confinement the property is gone, and the rights of the owner are lost. Even bees, which might well be described as domesticated and not wild animals, do not become property until they are hived. "Though a swarm lights on any tree," says Bracton, "I have no more property therein than I have in the birds which make their nests thereon." The owner of a confined animal which escapes does indeed retain his property while he is in pursuit of the fugitive; i.e., no other person can, in the meantime, establish a right of property against him by capturing the animal, just as a swarm of bees "which fly from and out of my hive are mine so long as I can keep them in sight, and have power to pursue them." Again, the law recognized a right in wild animals *propter impotentiam*, i.e., when they were young and unable to move from place to place. With these exceptions wild animals were *res nullius*, capable of being made the property of any person reducing them into possession. A prior right to acquire property in such animals was, however, allowed to the owner (or occupier) of the soil. Thus it is said that "if A starts a hare in the ground of B, and hunts it and kills it there, the property continues all the while in B." B is said to have a right of property in the wild animals on his land *ratione soli*. But "if A starts a hare on the ground of B, and hunts it into the ground of C and kills it there, the property is in A, and not in B or C." That is to say, the so-called property in wild animals *ratione soli* consists in this, that if one of them is started and killed by a trespasser it belongs to the owner (or occupier) of the soil. If the animal goes to another man's land this inchoate right is transferred to the other man. And the inchoate right of the owner becomes an actual right of property only when the animal is both started and killed by the trespasser on the same man's land. Such right as the owner has belongs to the occupier when the land is given without reserve to a tenant for a term.

These principles, it will be observed, apply to all wild animals, and no distinction is made between game and other animals. The laws of the forest, however, established in derogation of the common law a different kind of property in certain classes of wild animals. For an account of these see FOREST LAW (vol. ix. p. 408). The forest code affected definite districts of the country, and the right which they protected was the exclusive right of hunting the animals of the forest within those districts.

The game laws as above defined have virtually taken the place of the forest laws. The latter protected the privilege of the king and his favourites to hunt certain animals in certain districts; the former have extended and protected the right of an owner of the soil to the chase of certain animals on his own estate. The means adopted have been to make trespass (in itself only a civil wrong) a criminal offence punishable with great severity, and to restrict, by a system of licences, the right as well of killing as of selling game. The principal Acts are 1 & 2 William IV. c. 32 (the Game Act), 9 Geo. IV. c. 69 (the Night Poaching Act), 23 & 24 Vict. c. 90 (Game Licences Act), and the Hares Killing Act, 11 & 12 Vict. c. 29. The Game Act repeals a large number of statutes on the subject, most of them passed in the 18th century. Game is defined to include "hares, pheasants, partridges, grouse, heath or moor game, black game, and

bustards," and the same definition is found in the Night Poaching Act. A close time is fixed for certain birds of game:—for partridges from 1st February to 1st September; pheasants, 1st February to 1st October; black game, 10th December to 20th August; grouse, 10th December to 12th August; bustard, 1st March to 1st September; and the possession of such game after 10 days in dealers, and 40 days in other persons, from the expiration of the season is made illegal. The Act makes no difference in the effect of a game certificate (now "game licence"); that is to say, the licence authorizes the holder to kill game, subject to the law of trespass as modified by this Act. A temporary section reversed, as to all existing leases, the presumption of law that the game, unless specially reserved, belongs to the tenant; but the presumption remains as to all future leases. But when the game has been reserved to the landlord, or any assignee of his, then the occupier shall be punished for killing it, or for authorizing any other person to do so. This section no doubt was rendered necessary by the fact that the law of trespass, which is the pivot of the Game Act, could not be made to include the case of a farmer shooting game on his own ground; but it is open to the remark that in effect it converts a mere breach of contract into a crime. Persons holding game certificates (licences) may sell game to persons licensed to deal therein. Various sections of the Act define the penalties to which persons killing or selling game without a licence shall be subject, and it should be noticed that it is a punishable offence even to buy game except from a licensed dealer.

The section relating to trespass (§ 30 of the Game Act) enacts that, "if any person whatsoever shall commit any trespass by entering or being in the day time upon any land in search or pursuit of game, or woodcocks, snipes, quails, landrails, or conies,¹ such person shall, on conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding two pounds, as to the justice shall seem meet, together with the costs of the conviction;" and that if any persons, to the number of five or more together, shall commit any trespass by entering or being in the day time upon any land in search of or pursuit of game or woodcocks, &c., "each shall, on conviction, forfeit a sum not exceeding five pounds. The leave of the occupier shall be no defence when the game belongs to the landlord or other persons; and by § 31, trespassers in pursuit of game, &c., may be required to leave the land, to tell their names and abodes, and if they refuse may be arrested. The owner of the right of shooting may take from them any game found in their possession. The sections against trespassers, however, do not include any person hunting or coursing upon any land with hounds or greyhounds." This act applies only to England.

The Poaching Acts are still more severe. The Night Poaching Act enacts that, "if any person shall, after the passing of this Act, by night unlawfully take or destroy any game or rabbits in any land, whether open or enclosed, or shall by night unlawfully enter or be on any land, whether open or enclosed, with any gun, net, engine, or other instrument for the purpose of destroying game, such offender shall, upon conviction thereof before two justices of the peace, be committed for the first offence to the common gaol or house of correction for any period not exceeding three calendar months, there to be kept to hard labour, and at the expiration of such period shall find sureties" for his not so offending again. For a second offence the punishment is six months with hard labour, &c., with one year's further imprisonment in default of sureties; a third offence is a misdemeanour, and the punishment is penal servitude for

¹ These animals, although not included in the statutory definition of game, are by this section partially admitted to the benefit of the Act.

not more than seven years, or imprisonment for not more than two years. A later Act, 7 & 8 Vict. c. 29, §1, applies the penalties to the unlawful taking or destroying game on a highway by night. "Night" is declared to commence at the expiration of the first hour after sunset and to conclude at the beginning of the last hour before sunrise. Finally, the Poaching Prevention Act (25 & 26 Vict. c. 114) gives power to a constable, "on any highway, street, or public place, to search any person whom he may have good cause to suspect of coming from any land where he shall have been unlawfully in search or pursuit of game, or any persons aiding or abetting such person, and having in his possession any game unlawfully obtained, or any gun, part of gun, or nets or engines used for the killing or taking of game; and also to stop and search any cart or other conveyance in or upon which such constable or peace officer shall have good cause to suspect that any such game, or any such article or thing, is being carried by any such person." If any such thing be found the constable is to detain it, and apply for a summons against the offender, summoning him to appear before two justices, where, on conviction, he may be fined not more than £5, and shall forfeit the game, guns, &c., found in his possession. This Act is available by night as well as day. It should be noted in all cases where the unlawful taking or destroying of game is mentioned, that such taking is made unlawful only by the provisions of the Acts relating to certificates, or by the law relating to trespass. A person provided with a certificate can still kill game where he pleases, unless he commits a trespass—the only exception being that of the tenant whose landlord has reserved the game in his lands. Thus it may be inferred that a poacher provided with a certificate could not be brought within the limits of the Act relating to poaching on highways.

Game certificates are now regulated by 23 & 24 Vict. c. 90. Section 4 enacts that "any person, before he shall in Great Britain take, kill, or pursue, or aid or assist in any manner in the taking, killing, or pursuing, by any means whatever, or use any dog, gun, net, or other engine for the purpose of taking, killing, or pursuing any game, or any woodcock, snipe, quail, landrail, or any coney, or any deer, shall take out a proper licence to kill game under this Act"—subject to a penalty of £20. There are, however, certain exceptions and exemptions. As to licences to deal in game, any person who shall have obtained a licence to deal in game from the justices of the peace under the provisions of 1 & 2 Will. IV. c. 32, and 2 & 3 Vict. c. 35, shall annually and during the continuance of such licence, and before he shall be empowered to deal in game under such licence, obtain a further licence to deal in game under this Act, and only those who have obtained licence from the justices shall be licensed under the Act, *i.e.*, by the Inland Revenue. By 11 & 12 Vict. c. 29 any occupier or owner having the right of killing game may, by himself or by any person authorized by him in writing, kill hares without paying duty or taking out licence.

Most of the Acts cited above apply to Scotland as well as England, and when they do not there are special enactments for Scotland having substantially the same effect. The more important statutes specially affecting Scotland are the 13 Geo. III. c. 54, which fixes a close time for killing, selling, buying, &c., muirfowl, heathfowl, partridge, and pheasant; the 2 & 3 Will. IV. c. 68 (the Tresspass Act); the 11 & 12 Vict. c. 30 (Hares Killing Act); and the 40 & 41 Vict. c. 28. The last is to some extent a departure from the general policy of the game laws, being an attempt to provide compensation to tenants for damage caused by game. In effect it will be found to belong to the class of "permissive" statutes. The important sections of the 4th:—

"Where, under any lease made subsequently to the commencement of this Act, or where, by presumption of common law, upon any land occupied under a lease made subsequently to the commencement of this Act, the lessor shall reserve or retain the sole right of hunting, killing, or taking rabbits, hares, or other game, or any of them, the lessee shall be entitled to compensation for the damage done to his crops in each year by the rabbits and hares, or other game, to which the lessor may have reserved or retained the whole right, in excess of such sum as may have been set forth in the lease as the amount of annual damage for which it is agreed no compensation shall be due; and if no such sum shall be set forth, then in excess of the sum of forty shillings."

Scotch law, differing in this respect from English law, infers that, when the lease contains no stipulations as to game, the landlord reserves the right of killing game to himself. The Act contains provisions for settling claims of damage either by arbitration or by action at law. Leases made before the Act are not to be affected thereby. The old Act of 1621, "anent hunting and hauling," is cited in the schedule of the last-mentioned Act; it "ordains that no man hunt nor haulk at any time hereafter who hath not a plough of land in heritage, under the pain of £100." It is, of course, practically obsolete. (E. R.)

GAMES. The public games of Greece and Rome were athletic contests and spectacles of various kinds, generally connected with and forming part of a religious observance. Probably no institution exercised a greater influence in moulding the national character, and producing that unique type of physical and intellectual beauty which we see reflected in Greek art and literature, than the public contests of Greece. For them each youth was trained in the gymnasium, they were the central mart whither poet, artist, and merchant each brought his wares, and the common ground of union for every member of the Hellenic race. It is to Greece then that we must look for the earliest form and the fullest development of ancient games, and we propose in the present article to treat principally of the Greek *áyaves*. The shows of the Roman circus and amphitheatre were at best a shadow, and in the later days of the empire a travesty, of the Olympia and Pythia, and require only a cursory notice. "Corruptio optimi fit pessima." From the noblest spectacle in the world, the Greek Olympia, the downward course of public games can be traced, till we reach the ignoblest, the Roman amphitheatre, of whose horrors we may still form a faint picture from its last survival, the Spanish bull-fight.

The earliest games of which we have any record are those at the funeral of Patroclus, which form the subject of the twenty-third Iliad. They are noticeable both as showing that the belief that the dead would be appeased or gratified by the same exhibitions which pleased them in life was a common heritage of Greeks and Romans from their Aryan progenitors, and as already including all the distinctive competitions which we find in historical times,—the chariot-race, archery, boxing, wrestling, and putting the weight. Each of the great Grecian games was held near some shrine or consecrated spot, and is connected by myth or legend with some hero, demigod, or local deity.

The Olympian games were the earliest, and to the last they remained the most celebrated of the four national festivals. Olympia was a naturally enclosed spot in the rich plain of Elis, bounded on the N. by the rocky heights of Kronos, and on the S. and W. by the Alpheus and its tributary the Kladeus. There was the grove of Altis, in which were ranged the statues of the victorious athletes, and the temple of Olympian Zeus with the chryselephantine statue of the god, the masterpiece of Phidias. There Hercules (so ran the legend which Pindar has introduced in one of his finest odes), when he had conquered Elis and slain its king Augeas, consecrated a temenos and instituted games in honour of his victory. A later legend, which probably embodies historical fact, tells how, when Greece was torn by dissensions and

ravaged by pestilence, Iphitus inquired of the oracle for help, and was bidden restore the games which had fallen into desuetude; and there was in the time of Pausanias, suspended in the temple of Hera at Olympia, a bronze disk whereon were inscribed, with the regulations of the games, the names of Iphitus and Lycurgus. From this we may safely infer that the games were a primitive observance of the Eleians and Pisians, and first acquired their celebrity through the powerful concurrence of Sparta. In 776 B.C. the Eleians engraved the name of their countryman Corcebus as victor in the foot race, and thenceforward we have an almost unbroken list of the victors in each succeeding Olympiad or fourth recurrent year. For the next fifty years no names occur but those of Eleians or their next neighbours. After 720 B.C. we find Corinthians and Megareans, and later still Athenians and extra-Peloponnesians. Thus what at first was nothing more than a village bout became a bond of union for all the branches of the Doric race, and grew in time to be the high feast to which every Greek gathered, from the mountain fastnesses of Thessaly to the remotest colonies of Cyrene and Marseilles. It survived even the extinction of Greek liberty, and had nearly completed twelve centuries when it was abolished by the decree of the Christian emperor Theodosius, in the tenth year of his reign. The last Olympian victor was a Romanized Armenian named Varastad.

Let us attempt to call up the scene which Olympia in its palmy days must have presented as the great festival approached. Heralds had proclaimed throughout Greece the truce of God, which put a stop to all warfare, and ensured to all a safe conduct during the sacred month. So religiously was this observed that the Spartans chose to risk the liberties of Greece, when the Persians were at the gates of Pylæ, rather than march during the holy days. Those white tents which stand out against the sombre grey of the olive groves belong to the Hellanodiceæ, or ten judges of the games, chosen one for each tribe of the Eleians. They have been here already ten months, receiving instruction in their duties. All, too, or most of the athletes must have arrived, for they have been undergoing the indispensable training in the gymnasium of the Altis. But along the "holy road" from the town of Elis there are crowding a motley throng. Conspicuous in the long train of pleasure-seekers are the *θεωποί* or sacred deputies, clad in their robes of office, and bearing with them in their carriages of state offerings to the shrine of the god. Nor is there any lack of distinguished visitors. It may be Alcibiades, who, they say, has entered no less than seven chariots; or Gorgias, who has written a famous *ἐπιθεῖς* for the occasion; or the sophist Hippias, who boasts that all he bears about him, from the sandals on his feet to the dithyrambs he carries in his hand, are his own manufacture; or Action, who will exhibit his picture of the Marriage of Alexander and Roxana—the picture which gained him no less a prize than the daughter of the Hellanodices Praxionides; or, in an earlier age, the poet-laureate of the Olympians, Pindar himself. Lastly, as at the mediæval tournament, there are "store of ladies whose bright eyes rain influence;" matrons, indeed, are excluded on pain of death, but maidens, in accordance with Spartan manners, are admitted to the show.

At daybreak the athletes presented themselves in the Bouleuterion, where the presidents were sitting, and proved by witnesses that they were of pure Hellenic descent, and had no stain, religious or civil, on their character. Laying their hands on the bleeding victim, they swore that they had duly qualified themselves by ten months' continuous training in the gymnasium, and that they would use no fraud or guile in the sacred contests. Thence they proceeded to the stadium, where they stripped to the skin and

anointed themselves. A herald proclaimed—"Let the runners put their feet to the line," and called on the spectators to challenge any disqualified by blood or character. If no objection was made, they were started by the note of the trumpet, running in heats of four, ranged in the places assigned them by lot. The presidents seated near the goal adjudged the victory. The footrace was only one of twenty-four Olympian contests which Pausanias enumerates, though we must not suppose that these were all exhibited at any one festival. Till the 77th Olympiad all was concluded in one day, but afterwards the feast was extended to five. The order of the games is for the most part a matter of conjecture, but, roughly speaking, the historical order of their institution was followed. We will now describe in this order the most important.

(1.) The *foot-race*. For the first 13 Olympiads the *ἄρομος*, or single lap of the stadium, which was 200 yards long, was the only contest. The *διὰυλος*, in which the course was traversed twice, was added in the 14th Olympiad, and in the 15th the *δολιχος*, or long race, of 7, 12; or, according to the highest computation, 24 laps, over 3 miles in length. We are told that the Spartan Ladas, after winning this race, dropped down dead at the goal. There was also, for a short time, a race in heavy armour, which Plato highly commends as a preparation for active service. (2.) *Wrestling* was introduced in the 18th Olympiad. The importance attached to this exercise is shown by the very word *palaestra*, and Plutarch calls it the most artistic and cunning of athletic games. The practice differed little from that of modern times, save that the wrestler's limbs were anointed with oil and sprinkled with sand. The third throw, which decided the victory, passed into a proverb, and struggling on the ground, such as we see in the famous statue at Florence, was not allowed, at least at the Olympia. (3.) In the same year was introduced the *πένταθλον*, a combination of the five games enumerated in the well-known pentameter ascribed to Simonides:—

ἄλμα, ποδοκίην, δίσκον, ἄκορτα, πάλην.

Only the first of these calls for any comment. The only leap practised seems to have been the long jump. The leapers increased their momentum by means of *ἀλτήρες* or dumb-bells, which they swung in the act of leaping. By the help of them, and of the spring-board, enormous distances were covered, though the leap of 55 feet with which Phayllus is credited is simply incredible. It is disputed whether a victory in all five contests, or in three at least, was required to win the *πένταθλον*. (4.) *Boxing* was added in the 23d Olympiad. The rules were much the same as those of the modern ring, except that the boxer's fists and wrists were armed with straps of leather. The force of the blow was thereby increased; but no arm so terrible as the cestus of the Romans can ever have been admitted in Greek contests, seeing that the death of an antagonist not only disqualified a combatant, but was severely punished. In the *pancratium*, a combination of wrestling and boxing, the use of these straps, and even of the clenched fist, was disallowed. (5.) The *chariot-race* had its origin in the 23d Olympiad. It was held in the hippodrome, a race-course 1200 feet long by 400 broad, laid out on the left side of the hill of Kronos. The whole circuit had to be traversed twelve times. In the centre near the further end was the pillar or goal (the *spina* of the Romans), round which the chariots had to turn. "To shun the goal with rapid wheels" has been well selected by Milton as the most graphic feature of the Olympian games. So dangerous indeed was the manœuvre that, according to Pausanias, a mysterious horror attached to the spot, and horses when they passed it would start in terror without visible cause, upsetting the chariot and wounding the driver.

The number of chariots that might appear on the course at once is uncertain. Pindar (*Pyth.*, v. 46) praises Arcesilaus of Cyrene for having brought off his chariot uninjured in a contest where no fewer than forty took part. The large outlay involved excluded all but rich competitors, and even kings and tyrants eagerly contested the palm. Thus in the list of victors we find the names of Cylon, the would-be tyrant of Athens, Pausanias the Spartan king, Archelaus of Macedon, Gelon and Hiero of Syracuse, and Theron of Agrigentum. Chariot-races with mules, with mares, with two horses in place of four, were successively introduced, but none of these present any special interest. Races on horseback date from the 33d Olympiad. As the course was the same, success must have depended on skill as much as on swiftness. Lastly, there were athletic contests of the same description for boys, and a competition of heralds and trumpeters, introduced in the 93d Olympiad.

The prizes were at first, as in the Homeric times, of some intrinsic value, but after the 6th Olympiad the only prize for each contest was a garland of wild olive, which was cut with a golden sickle from the kallistephanos, the sacred tree brought by Hercules "from the dark fountains of Ister in the land of the Hyperboreans, to be a shelter common to all men and a crown of noble deeds" (Pindar, *Ol.*, iii. 18). Greek writers from Herodotus to Plutarch dwell with complacency on the magnanimity of a race who cared for nothing but honour and were content to struggle for a corruptible crown. But though the Greek games present in this respect a favourable contrast to the greed and gambling of the modern race-course, yet to represent men like Milton and Damoxenus as actuated by pure love of glory is a pleasing fiction of the moralists. The successful athlete received in addition to the immediate honours very substantial rewards. A herald proclaimed his name, his parentage, and his country; the Hellanodice took from a table of ivory and gold the olive crown and placed it on his head, and in his hand a branch of palm; as he marched in the sacred revel to the temple of Zeus, his friends and admirers showered in his path flowers and costly gifts, singing the old song of Archilochus, *τῆνέλλα καλλίνικε*, and his name was canonized in the Greek calendar. Fresh honours and rewards awaited him on his return home. If he was an Athenian he received, according to the law of Solon, 500 drachmæ, and free rations for life in the Prytaneum; if a Spartan, he had as his prerogative the post of honour in battle. Poets like Pindar, Simonides, and Euripides sung his praises, and sculptors like Phidias and Praxiteles were engaged by the state to carve his statue. We even read of a breach in the town walls being made to admit him, as if the common road were not good enough for such a hero; and there are well-attested instances of altars being built and sacrifices offered to a successful athlete. No wonder then that an Olympian prize was regarded as the crown of human happiness. Cicero, with a Roman's contempt for Greek frivolity, observes with a sneer that an Olympian victor receives more honours than a triumphant general at Rome, and tells the story of the Rhodian Diagoras, who, having himself won the prize at Olympia, and seen his two sons crowned on the same day, was addressed by a Laconian in these words:—"Die, Diagoras, for thou hast nothing short of divinity to desire." Alcibiades, when setting forth his services to the state, puts first his victory at Olympia, and the prestige he had won for Athens by his magnificent display. But perhaps the most remarkable evidence of the exaggerated value which the Greeks attached to athletic prowess is a casual expression which Thucydides employs when describing the enthusiastic reception of Brasidas at Scione. The Government, he says, voted him a crown of gold, and the multitude flocked round him and decked him with garlands, as though he were an athlete.

The above-description of the Olympian games will serve generally for the other great festivals of Greece. Without entering on any detailed account of these, it will be sufficient here to glance at the most prominent characteristics of each.

The *Pythian* games, second only to the Olympian in importance, were founded after the first Sacred War out of the spoils of Cirrha, 595 B.C. Originally a local festival held every eighth year in honour of the Delphic god, with no other contests but in the harp and the pæan—if fact a sort of Greek Eisteddfod—they developed into a common ἀγών for all Greece (so Demosthenes calls them), with all the games and races of Olympia, from which they were distinguished only by their musical and poetical competitions. They were held under the superintendence of the Amphictyones in the autumn or first half of every third Olympian year. The prizes were a wreath of laurel and a palm.

The *Nemean* games, originally a warlike gathering and review, were held in honour of Nemean Zeus at the grove of Nemea, between Cleonæ and Phlius, in the second and fourth year of each Olympiad. They date from about 570 B.C. The prize was a chaplet of parsley.

The *Isthmian* games, founded a little earlier than the Nemean, partook at first of the nature of mysteries. They were held on the narrowest part of the Isthmus of Corinth in honour of Poseidon in the first and third year of each Olympiad. Their prize was a wreath of pine leaves. The importance of the Isthmian games in later times is shown by the fact that Flamininus chose the occasion for proclaiming the liberation of Greece, 196 B.C. That at a later anniversary (67 A.D.) Nero repeated the proclamation of Flamininus, and coupled with it the announcement of his own infamous victory at Olympia, shows alike the hollowness of the first gift and the degradation which had befallen the Greek games, the last faint relic of Greek worth and independence.

The *Ludi Publici* of the Romans included feasts and theatrical exhibitions as well as the public games with which alone we are concerned. As in Greece, they were intimately connected with religion. At the beginning of each civil year it was the duty of the consuls to vow to the gods games for the safety of the commonwealth, and the expenses were defrayed by the treasury. Thus, at no cost to themselves, the Roman public were enabled to indulge at the same time their religious feelings and their love of amusement. Their taste for games naturally grew till it became a passion, and under the empire games were looked upon by the mob as one of the two necessities of life. The ædiles who succeeded to this duty of the consuls were expected to supplement the state allowance from their private purse. Political adventurers were not slow to discover so ready a road to popularity, and what at first had been exclusively a state charge devolved upon men of wealth and ambition. A victory over some barbarian horde or the death of a relation served as the pretext for a magnificent display. But the worst extravagance of private citizens was eclipsed by the reckless prodigality of the Cæsars, who squandered the revenues of whole provinces in catering for the mob of idle sight-seers on whose favour their throne depended. But though public games played as important a part in Roman as in Greek history, and must be studied by the Roman historian as an integral factor in social and political life, yet, regarded solely as exhibitions, they are comparatively devoid of interest, and we sympathize with Pliny, who asks his friend how any man of sense can go day after day to view the same dreary round of fights and races.

It is easy to explain the different feelings which the games of Greece and of Rome excite. The Greeks at their

best were actors, the Romans from first to last were spectators. It is true that even in Greek games the professional element played a large and ever-increasing part. As early as the 6th century B.C. Xenophanes complains that the wrestler's strength is preferred to the wisdom of the philosopher, and Euripides, in a well-known fragment, holds up to scorn the brawny swaggering athlete. But what in Greece was a perversion and acknowledged to be such, the Romans not only practised but held up as their ideal. No Greek, however high in birth, was ashamed to compete in person for the Olympic crown. The Roman, though little inferior in gymnastic exercises, kept strictly to the privacy of the palaestra; and for a patrician to appear in public as a charioteer is stigmatized by the satirist as a mark of shameless effrontery.

Roman games are generally classified as *fixæ*, *extraordinary*, and *votive*; but for our present purpose they may be more conveniently grouped under two heads according to the place where they were held, viz., the circus or the amphitheatre.

For the Roman world the circus was at once a political club, a fashionable lounge, a rendezvous of gallantry, a betting ring, and a playground for the million. Juvenal, speaking loosely, says that in his day it held the whole of Rome; and there is no reason to doubt the precise statement of P. Victor, that in the Circus Maximus there were seats for 350,000 spectators. Of the various *Ludi Circenses* it may be enough here to give a short account of the most important, the *Ludi Magni* or *Maximi*.

Initiated according to legend by Tarquinius Priscus, the *Ludi Magni* were originally a votive feast to Capitoline Jupiter, promised by the general when he took the field, and performed on his return from the annual campaign. They thus presented the appearance of a military spectacle, or rather a review of the whole burgess force, which marched in solemn procession from the Capitol to the forum and thence to the circus, which lay between the Palatine and Aventine. First came the sons of patricians mounted on horseback, next the rest of the burghers ranged according to their military classes, after them the athletes, naked save for the girdle round their loins, then the company of dancers with the harp and flute players, next the priestly colleges bearing censers and other sacred instruments, and lastly the simulacra of the gods, carried aloft on their shoulders or drawn in cars. The games themselves were fourfold:—(1) the chariot race; (2) the *ludus Troiæ*; (3) the military review; and (4) gymnastic contests. Of these only the first two call for any comment. (1.) The chariot employed in the circus was the two-wheeled war car, at first drawn by two, afterwards by four, and more rarely by three horses. Originally only two chariots started for the prize, but under Caligula we read of as many as twenty-four heats run in the day, each of four chariots. The distance traversed was fourteen times the length of the circus or nearly five miles. The charioteers were apparently from the first professionals, though the stigma under which the gladiator lay never attached to their calling. Indeed a successful driver may compare in popularity and fortune with a modern jockey. The drivers were divided into companies distinguished by the colours of their tunics, whence arose the faction of the circus which assumed such importance under the later emperors. In republican times there were two factions, the white and the red; two more, the green and the blue, were added under the empire, and for a short time in Domitian's reign there were also the gold and the purple. Even in Juvenal's day party spirit ran so high that a defeat of the green was looked upon as a second Canne. After the seat of empire had been transferred to Constantinople these factions of the circus were made the basis of political cabals, and frequently resulted in sanguinary tumults, such as the famous Nika revolt (532 A.D.), in which 30,000 citizens lost their lives. (2.) The *Ludus Troiæ* was a sham fight on horseback in which the actors were patrician youths. A spirited description of it will be found in the 5th Æneid. See also CIRCUS.

The two exhibitions we shall next notice, though occasionally given in the circus, belong more properly to the amphitheatre. *Venatio* was the baiting of wild animals who were pitted either with one another or with men—captives, criminals, or trained hunters called *bestiarii*. The first certain instance on record of this amusement is in 186 B.C., when M. Fulvius exhibited lions and tigers in the arena. The taste for these brutalizing spectacles grew apace, and the most distant provinces were ransacked by generals and proconsuls to supply the arena with rare animals—giraffes, tigers,

and crocodiles. Sulla provided for a single show 100 lions, and Pompey 600 lions, besides elephants, which were matched with Gæstilian hunters. Julius Cæsar enjoys the doubtful honour of inventing the bull-fight. At the inauguration of the Colosseum 5000 wild and 4000 tame beasts were killed, and to commemorate Trajan's Dacian victories there was a butchery of 11,000 beasts. The *navmactia* was a sea fight, either in the arena, which was flooded for the occasion by a system of pipes and sluices, or on an artificial lake. The rival fleets were manned by prisoners of war or criminals, who often fought till one side was exterminated. In the sea fight on Lake Fucinus, arranged by the emperor Claudius, 100 ships and 19,000 men were engaged.

But the special exhibition of the amphitheatre was the *munus gladiatorum*, which dates from the funeral games of Marcus and Decimus Brutus, given in honour of their father, 264 B.C. It was probably borrowed from Etruria, and a refinement on the common savage custom of slaughtering slaves or captives on the grave of a warrior or chieftain. Nothing so clearly brings before us the vein of coarseness and inhumanity which runs through the otherwise noble character of the Roman, as his passion for gladiatorial shows. We can fancy how Pericles, or even Alcibiades, would have loathed a spectacle that Augustus tolerated and Trajan patronized. Only after the conquest of Greece we hear of their introduction into Athens, and they were then admitted rather out of compliment to the conquerors than from any love of the sport. In spite of numerous prohibitions from Constantine downwards, they continued to flourish even as late as St Augustine. To a Christian martyr, if we may credit the story told by Theodoret and Cassiodorus, belongs the honour of their final abolition. In the year 404 Telemachus, a monk who had travelled from the East on this sacred mission, rushed into the arena and endeavoured to separate the combatants. He was instantly despatched by the prætor's orders; but Honorius, on hearing the report, issued an edict abolishing the games, which were never afterwards revived. See GLADIATORS. (F. S.)

GAMES, GAMING. Looking here at these in their legal aspects, it will be seen that from very early times the law of England has attempted to exercise some control over the sports and pastimes of the people—particularly those involving an element of gambling. Certain games were either prohibited altogether, or reserved for people of some position in society. The Act 33 Henry VIII. c. 9, increasing the severity of still older enactments, deals with the whole subject in great detail, and it is interesting to notice that the reason assigned for prohibiting unlawful games was that they interfered with other exercises more useful to the state. The Act is entitled a "Bill for the maintaining artillery and the debarring unlawful games;" and it recites that, since the last statutes, "crafty persons have invented many and sundry new and crafty games and plays, as loggetting in the fields, slide-thrift, otherwise called shove-groat, as well within the city of London as elsewhere in many other and divers parts of this realm, keeping houses, plays, and alleys for the maintenance thereof, by reason whereof archery is sore decayed, and daily is like to be more and more minished, and divers bowyers and fletchers, for lack of work, gone and inhabit themselves in Scotland and other places out of this realm, there working and teaching their science, to the pursuance of the same, to the great comfort of strangers and detriment of this realm." Accordingly penalties are declared against all persons keeping houses for unlawful games, and all persons resorting thereto. It is further provided that "no manner of artificer or craftsman of any handicraft or occupation, husbandman, apprentice labourer, servant at husbandry, journeyman or servant of artificer, mariners, fishermen, watermen, or any serving man, shall play at the tables, tennis, dice, cards, bowls, clash, coyting, loggetting, or any other unlawful game out of Christmas under the pain of xxs. to be forfeit for every time; and in Christmas to play at any of the said games in their masters' houses or in their masters' presence; and also that no manner of person shall at any time play at any bowl or bowls in open places out of his garden or orchard" (§ 16). The social evils of gambling (impoverishment, crime, neglect of divine service) are incidentally alluded to in the preamble, but only in connexion with the main purpose of the statute—the maintenance of archery.

Blackstone, commenting on this and subsequent statutes, declares that "the principal ground of modern complaint is the gambling in high life" (vol. iv. c. 13), and he cites the various statutes which, up to his time, had been passed against this pernicious vice. Some of these went so far as to make the mere winning or losing of money at play a criminal offence. By the Act 18 Geo. II. c. 34 (repealed by 8 and 9 Vict. c. 109), if any man be convicted upon information or indictment of winning or losing at play or by betting at any one time £10 or £20 within 24 hours, he shall be fined five times the sum for the benefit of the poor of the parish. And the evil of gambling, *i.e.*, betting or wagering, is the ostensible object against which the later statutes on gaming are directed. A bet or wager was, however, at common law as valid as any other kind of contract, and the distinction between bets depending on gaming and bets depending on other contingencies was long retained, and has, in fact, not yet entirely disappeared. Besides the Act last mentioned, the Acts 9 Anne c. 14, 2 Geo. II. c. 28, and 13 Geo. II. c. 34 prohibited particular games.

The modern statutes are the following—8 and 9 Vict. c. 109, 16 and 17 Vict. c. 119, and 17 and 18 Vict. c. 38.

The 8 and 9 Vict. c. 109 (Act to amend the law relating to games and wagers) repeals, *inter alia*, so much of the old law of Henry VIII. as makes it unlawful to play at any mere games of skill. And it provides that, to prove any house to be a common gaming-house, it "shall be sufficient to show that it is kept or used for playing therein at any unlawful game, and that a bank is kept there by one or more of the players exclusively of the others, or that the chances of any game played therein are not alike favourable to all the players, including among the players the banker or other person by whom the game is managed, or against whom the other players stake, play, or bet." Gambling, it will be noticed, is still in this definition connected with some kind of game; the later Act, 16 and 17 Vict. c. 119 (for the suppression of betting-houses), enacts that any house used for the purpose of "betting with persons resorting thereto" shall be deemed to be a common gaming-house. To return to the former Act, it provides that proof that the gaming was for money shall not be required, and that the presence of cards, dice, and other instruments of gaming shall be *prima facie* evidence that the house was used as a common gaming-house. The keeping of houses for the game of billiards is to be authorized under licence from the justices to be granted at the general licensing sessions, and the conditions are in general the same as to time of opening, &c., as those of the victuallers' licences. Any persons winning money by cheating at any game or wager shall be deemed guilty of obtaining money by false pretences. The 16 and 17 Vict. c. 119, besides bringing betting-houses within the statutory definition of gaming-houses, makes it a specific offence to publish advertisements, handbills, placards, &c., showing that any house is kept or opened for the purpose of betting. With reference to the definition of betting-house in this statute, "a place opened, kept, or used for the purpose of the owner, occupier, &c., thereof, betting with persons resorting thereto," it may be mentioned that it was avowedly framed for the purpose of hitting houses open to all and sundry, as distinguished from large but legally private betting-clubs like Tattersall's. The reason for this distinction, of course, is that the former are frequented mainly by a poorer class of persons, who cannot afford the luxury of gambling, and will be tempted by their losses to defraud their employers. The Act of 17 and 18 Vict. gives additional facilities for enforcing the preceding Acts, and increases the severity of the penalties. The keeper of a gaming-house may be fined up to £50 and costs, and on default of payment may be sent to gaol for twelve

months. Finally, the Vagrant Act, 1873 (36 and 37 Vict. c. 38), contains the following clause: "Every person playing or betting by way of wagering or gaming on any street, road, highway, or other open and public place, or in any open place to which the public have, or are permitted to have, access, at or with any table or instrument of gaming, or any coin, card, token, or other article used as an instrument or means of gaming, at any game or pretended game of chance, shall be deemed a rogue and vagabond." The original Act of 1868, of which this is an amendment, was passed to repress the practice of playing pitch and toss in the streets, which, it seems, had grown to the dimensions of a nuisance in the colliery districts.

The general result of all these enactments may be briefly stated thus. Apart from statute, no games are unlawful in themselves. Games were originally made unlawful in the interest of the more useful military exercises which they threatened to supplant. The prohibition has been retained and extended on account of the vice of gambling, and severe penalties have been enacted against houses at which persons can play unlawful games. Betting-houses in general were brought within the definition of gaming-houses, and finally betting or gaming was prohibited in any public place. It must be admitted that these distinctions are based on a most invidious principle. Practically gambling is forbidden to the poor and connived at in the rich.

It may be asked, What games, as such, are lawful under these various statutes, and what are unlawful? The author of an excellent and amusing little work on *Gaming and Gamblers' Law*,¹ gives the following as the result of a careful examination of all the Acts. The following are lawful games:—backgammon, bagatelle, billiards, boat-races, bowls, chess, cricket, croquet, curling, dominoes, draughts, fives, football, foot-races, golf, knurr and spell, putting the stone, quoits, rackets, rowing, skittles, tennis, whist, wrestling. The following are doubtful—boxing, cudgel-playing, and single-stick. The following are absolutely unlawful—ace of hearts, basset, dice (except backgammon), hazard, lotteries (except art-union lotteries), Pharaoh (or faro), boulet (or roly poly). An Act of Geo. II., which prohibited horse-racing for prizes under £50 value, has since been repealed.

To turn now to the civil aspects of the case. Gambling apart from gaming, *i.e.*, simple wagering or betting, was not at common law illegal, and the Act of Anne did not affect wagers other than gaming wagers. In fact, the courts were constantly being called upon to enforce contracts by way of wagers, and were as constantly exercising their ingenuity to discover excuses for refusing. A writer on the law of contracts² discovers here the origin of that principle of "public policy" which plays so important a part in English law. Wagering contracts were rejected because the contingencies on which they depended tended to create interests hostile to the common weal. A bet on the life of the emperor Napoleon was declared void because it gave one of the parties an interest in keeping the king's enemy alive, and also because it gave the other an interest in compassing his death by unlawful means. A bet as to the amount of the hop-duty was against public policy, because it tended to expose the condition of the king's revenue to all the world. A bet between two hackney coachmen, as to which of them should be selected by a gentleman for a particular journey, was void, because it tended to expose the customer to their importunities. When no such subtlety could be invented, the law, however reluctantly, was compelled to enforce the fulfilment of a wager. Now, however, by the Act 8 and 9 Vict. c. 109, cited *supra*, all agreements by way of wager

are void, and money lost on them cannot be recovered by action-at-law. There still remains, as hinted above, a distinction between gaming and other wagers. The 5 and 6 Will. IV. c. 41 treats securities (*e.g.*, promissory notes) given for money lost at gaming as being given for an illegal consideration; under the 8 and 9 Vict. c. 109, securities given for betting are held to be given for a void, or for no consideration. Thus a third person, coming into possession of a note given for a bet, would have to prove that he gave value for it if the bet was a gaming bet under the statute of Anne; if it was not a gaming bet, he would be presumed to have given consideration for it until it was actually proved that he had not.

The 8 and 9 Vict. c. 109 exempts all subscriptions, or contributions, or agreements to subscribe or contribute towards any plate, prize, or sum of money to be awarded to the winner of any lawful game. (E. R.)

GANDERSHEIM (in Eberhard's Chronicle, Gandersem), a town of Germany at the head of a circle in the duchy of Brunswick, situated on the Gande, a sub-tributary of the Weser, about 48 miles S.W. of Brunswick. It is a small place numbering, according to the census of 1875, only 2454 inhabitants; but it carries on the manufacture of linen, cigars, beet-root sugar, and beer, and possesses not only an old palace built by the dukes of Brunswick in the 16th century, but an abbey which ranks among the most famous in Germany.

The abbey of Gandersheim was founded in 856, according to Eberhard's Chronicle, by the duke Ludolf of Saxony and his wife Oda, who removed to the new domicile the nuns whom they had shortly before established at Brunshausen. Their own daughter Hathumoda was the first abbess, who was succeeded on her death by her sister Gerberga. Under Gerberga's government King Louis III. granted a privilege, by which the office of abbess was to continue in the ducal family as long as any member was found competent and willing to accept the same. Otto III. gave the abbey a market, a right of toll, and a mint; and after the bishop of Hildesheim and the archbishop of Mainz had long contested with each other about its supervision, Pope Innocent III. declared it altogether independent of both. The abbey was ultimately recognized as holding directly of the empire, and the abbess had a vote in the diet as a member of the Rhenish bench of bishops. The conventual estates were of great extent, and among the feudatories who could be summoned to the court of the abbess were the elector of Hanover and the king of Prussia. Protestantism was introduced in 1568, and Magdalena, the last Roman Catholic abbess, died in 1589; but Protestant abbesses were appointed to the foundation, and continued to enjoy their imperial privileges till 1802, when Gandersheim was incorporated with Brunswick. The last abbess was a princess of the ducal house, and kept her rank till her death. The memory of Gandersheim will long be preserved by its literary memorials. Hroswitha, the author of the famous ecclesiastical dramas, was a member of the sisterhood in the 9th century; and the rhyming Chronicle of Eberhard of Gandersheim ranks as in all probability the earliest historical work composed in Low German. The Chronicle, which contains an account of the first period of the monastery, is edited by Wieland, in *Monumenta Germ. historica* (Vernacular section, vol. ii., 1877), and has been the object of a special study by Paul Hase, Göttingen, 1872. See also "Agi vita Hathumode abbatissæ Gandershemensis primæ," in J. G. von Eckhart's *Veterum monumentorum quaternio*, Leipsic, 1720; and Hase, *Mittelalterliche Baudenkmäler Niedersachsens*, 1870.

GANDIA, an ancient wall-encircled city of Spain, in the province and archbishopric of Valencia, is beautifully situated in the fertile huerta or garden of Gandia, about 3 miles from the mouth of the river Alcoy. Its most prominent buildings are a large collegiate church, a college of the Escuelas Pias, and a palace of the dukes of Gandia. There is some trade in the produce of the district, especially in fruit; and linen and silk are manufactured to a limited extent. St Francis de Borgia or Borja, third general of the Jesuit order, was duke of Gandia, and spent some years of his life there. Population about 7000.

GANDO, a kingdom of north-western Africa in the Sudan, comprising that part of the territory watered by the Quorra or Niger which extends from the Birni and Say in the N.

¹ By F. Brandt, London, 1872.

² F. Pollock, *Principles of the Law of Contract*