

1762.

By chap. 652, persons convicted of maliciously and voluntarily burning the State-House, &c. were to suffer capital; and breaking into the buildings, with intent to commit a felony, &c. was made highly penal. But see the alterations in the penal code on this subject, ante. chap. 236, pa. 105. (in note.)

By chap. 867, the State-House and other public buildings, islands, &c. heretofore held in trust, were vested in the commonwealth.

For other acts relative to vesting lots adjoining the State-House in the county and city commissioners respectively, for public uses, for building two new

court houses, &c. enlarging the lots, see chap. 1154, 1282.

For an act vesting a part of the public square at the State-House in the American Philosophical Society, see chap. 1136.

[For acts providing for the accommodation of Congress, in the public buildings, see chap. 1679, 1819. Now all obsolete, and chap. 2963, which will expire (conditionally) March 26th, 1811.]

For acts providing for the improvement of the State-House, &c. see chap. 1578, 1891, sect. 1, 7, chap. 1948, 2082, sect. 4. (Note to former edition.)

## CHAPTER CCCCLXXVIII.

### *An ACT for the more effectual suppressing and preventing of Lotteries.*

WHEREAS many mischievous and unlawful games, called lotteries, have been set up in this province, which tend to the manifest corruption of youth, and the ruin and impoverishment of many poor families: And whereas such pernicious practices may not only give opportunities to evil disposed persons to cheat and defraud the honest inhabitants of this province, but prove introductive of vice, idleness and immorality, injurious to trade, commerce and industry, and against the common good, welfare and peace of this province: For remedying whereof, *Be it enacted, adjudged and declared*, That all lotteries whatsoever, whether public or private, are common and public nuisances, and against the common good and welfare of this province.

All lotteries common and public nuisances.

Penalty on persons erecting lotteries, &c. See the act against vice and immorality, post. Chap. 1746.

II. *And be it further enacted*, That, from and after the publication of this act, no person or persons whatsoever shall publicly or privately set up, erect, make, exercise, keep open, shew or expose to be played at, drawn at, or thrown at, [any lottery, play, or device,\*] or shall cause or procure the same to be done, either by dice, lots, cards, balls, tickets, or any other numbers or figures, or in any other manner or way whatsoever; and that every person or persons that shall set up, erect, make, exercise, keep open, shew or expose to be played at, drawn, or thrown at, any such lottery, play or device, or that shall cause or procure the same to be done, after the publication of this act, and shall be thereof legally convicted in any Court of Quarter Sessions, within the jurisdiction whereof the said offences shall be committed, or in the Supreme Court, if thereunto removed from any of the inferior Courts within this province, shall forfeit and pay the sum of five hundred pounds, lawful money of Pennsylvania.

\* The words inserted between crotchets are printed in the former edition of the laws, but are not contained in the original roll; being, however, necessary to the sense of the section, they are here preserved. (Note to former edition.)

III. *And be it further enacted*, That all and every person and 1762.  
 persons whatsoever, that shall buy, sell or expose to sale, or that  
 shall advertise, or cause to be advertised, the sale of any ticket or  
 tickets, or device whatsoever, in such lotteries, plays or devices, or  
 that shall be aiding, assisting, or in any wise concerned in manag-  
 ing, conducting, or carrying on such lotteries, plays and devices, by  
 whatsoever name the same may be called, and be legally convicted  
 thereof in either of the Courts aforesaid, shall forfeit and pay the  
 sum of twenty pounds, lawful money of Pennsylvania, for every  
 such offence.

And on persons selling lottery tickets.

IV. *And be it further enacted*, That all and every person and  
 persons whatsoever, that shall, within this province, buy, sell, or ex-  
 pose to sale, or shall advertise, or cause to be advertised, the sale of  
 any ticket or tickets, or other device whatsoever, in any lottery,  
 play or device whatsoever, which shall be hereafter set up, erected,  
 made, exercised, kept open, shewn or exposed to be drawn at, play-  
 ed at, or thrown at, in or at any place or places out of this province  
 (state lotteries, erected and licensed by act of Parliament in Great-  
 Britain, only excepted and foreprized\*) and be thereof legally con-  
 victed in manner aforesaid, shall forfeit and pay the sum of twenty  
 pounds, lawful money of Pennsylvania, for every such offence.

State lotteries excepted.

\* This part of this section is obviously obsolete.]

V. *And be it further enacted*, That all the fines, forfeitures and  
 penalties, hereby inflicted, shall be paid to the Overseers of the  
 poor, for the time being, for the use of the poor of the city, borough  
 or township, where any of the said offences shall be committed.]

Manner of applying the fines.

VI. *Provided always nevertheless*, That nothing herein contain-  
 ed shall be deemed or taken to extend to any lottery, advertised in  
 the public newspapers of this province on or before the fourth day  
 of February in the year of our Lord one thousand seven hundred  
 and sixty-two, nor to the selling or buying of any ticket or tickets  
 in such lottery, any thing herein contained to the contrary thereof  
 notwithstanding.]

[Obsolete.]

VII. *And be it enacted*, That the clause in an act of Assembly of  
 this province, entitled *An Act for regulating pedlars and vendues*,  
 &c.\* enacting, that if any person or persons shall presume to take  
 upon him or themselves, from and after the publication of said act,  
 upon any pretence whatsoever, privately or publicly to set up, exer-  
 cise or keep any lottery or lotteries within the province of Pennsyl-  
 vania, and be thereof legally convicted, he, she or they, shall forfeit  
 one hundred pounds, one moiety thereof to the Governor, the other  
 moiety to any person that will sue for the same, is hereby repealed,  
 and declared to be null, void, and of no effect.

Clause in an act of Assembly for regulating pedlars and vendues repealed.  
 \* Chap. 308.

Passed 17th February, 1762.—Recorded A. vol. IV. page 262. (e)

(e) By an act passed January 20th, 1792, (chap. 1592,) reciting the act in the text, and that in latter years, it had not been considered to extend to lotteries set up and established without this State; it enacts, "that if any person or persons, shall expose or offer to sale, or sell, barter or exchange, by public or private sale or contract, any ticket or tickets, chance or chances, or other evi-

dence of chance or chances, or parts or shares of any ticket, chance or evidence of chance, in any lottery, or other device in the nature of a lottery, by whatsoever name it may be called, not authorized by the laws of this Commonwealth, being thereof convicted in any court of competent jurisdiction, shall forfeit and pay, for every ticket, chance or evidence of chance, or part,

1762. or share thereof, in such lottery, or other device, so offered or sold, bartered or exchanged, the sum of five pounds, one moiety thereof to him, her or them, who shall prosecute the offender or offenders, and the other moiety to the Overseers of the poor of the city, town or place, where the offence shall be committed, for the use of the poor thereof, to be recovered as fines, penalties or forfeitures for misdemeanors. are recoverable in such courts.

## CHAPTER CCCCLXXXI.

*An ACT for erecting the southern suburbs of the city of Philadelphia, into the district of Southwark, for making the streets and roads, already laid out therein, public roads and highways, and for regulating such other streets and roads, as the inhabitants thereof may hereafter lay out, and for other uses and purposes therein mentioned.*

**WHEREAS** there is a certain tract of land adjoining to and bounded by the southernmost bounds of the city of Philadelphia, beginning at South-street, in the said city, and running thence along the several courses of the road commonly called the Passyunk road, including the same, two hundred and ninety-six perches to a corner; thence south forty-five degrees east, to a road called the Moyamensing road; thence along a lane, known by the name of Keeler's Lane, to Greenwich road; thence east to the river Delaware; thence up the several courses of the said river to South-street; and thence along the south side of the said street to the place of beginning; on which said tract of land the owners and possessors thereof have built and erected, at a very great expense, a large number of houses, messuages, wharffs, stores, and other buildings, and have continued, by agreements among themselves made, the several streets of the said city, running north and south, through part of the said improved ground, and have also opened, in the same manner, cross streets, running westward from the said river towards the river Schuylkill, with many convenient roads, lanes, and alleys, leading to and from the said streets; but as the said roads, streets, lanes, and alleys, are not laid out and confirmed by any legal authority, ill-disposed persons have frequently committed nuisances therein, to the great annoyance, impediment, and disturbance of the inhabitants passing through them, on their lawful occasions: For remedy whereof, *Be it enacted*, That the said tract of land, before described, shall be henceforth called **The District of Southwark**, and is hereby declared to be allotted and divided off into one district; and that all and every of the streets, lanes, alleys and roads, laid out by agreement as aforesaid, shall be, and are hereby declared to be, public streets, roads, alleys and lanes, for ever, to all intents and purposes, as if the same had been public roads and highways laid out according to law, by order of the Governor and Council, or by order of any Court of Quarter Sessions in this province; and that all and every nuisance or nuisances committed in them, or any of them, shall and may be heard, tried and determined, in the County Court of Quarter Sessions in and for the county of Philadelphia, in the same and as full and ample a manner, as any nuisance com-

Name of the district.