

CHAPTER DII.

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AN ACT FOR THE ERECTING A LIGHT-HOUSE AT THE MOUTH OF THE BAY OF DELAWARE, AT OR NEAR CAPE HENLOPEN, FOR PLACING AND FIXING BUOYS IN THE SAID BAY AND RIVER DELAWARE, AND FOR APPOINTING COMMISSIONERS TO RECEIVE, COLLECT AND RECOVER CERTAIN SUMS OF MONEY HERETOFORE RAISED BY WAY OF LOTTERY AND TO APPROPRIATE THE SAME TO THE PURPOSES AFORESAID.

Whereas a considerable sum of money has been heretofore raised on the inhabitants of this province and others by a lottery to defray the expense of building a light-house on or near Cape Henlopen, at the mouth of the bay of Delaware, and of placing buoys in the said bay and river Delaware in such places as shall be thought convenient and necessary to assist and make easy the navigation of the said river and bay.

And whereas the managers of the said lottery have represented to the assembly of this province that the said sum of money remains in their hands not yet laid out or disposed of, and that other sums are yet outstanding and remain due to them for tickets sold and not paid for, and have signified their desire that the said sums of money should be appropriated and disposed of by such commissioners as should be appointed by act of general assembly for and towards the purposes aforesaid in pursuance of the original scheme and design of the said lottery: Now, to the end and intent that the said sums of money so outstanding may be recovered and collected and the same, together with the sums of money now remaining in the hands of the managers of the said lottery, may be duly applied to the original design of the adventure[r]s in the said lottery so beneficial to the trade of this province:

[Section I.] Be it enacted by the Honorable James Hamilton, Esquire, Lieutenant-Governor under the Honorable Thomas Penn and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania and counties of Newcastle, Kent and Sussex upon Delaware, by and with the advice

and consent of the representatives of the freemen of the said Province in General Assembly met, and by the authority of the same, That Peter Reeve, William Richards, Luke Morris, William Morrell, John Kidd, Joseph Stamper, John Gibson shall be and they are hereby nominated and appointed commissioners for building and erecting a light-house at the mouth of the bay of Delaware at or near Cape Henlopen, in the county of Sussex on Delaware, and for placing and fixing buoys in the river and bay of Delaware; and the said commissioners, or a majority of them, by and with the approbation of the governor or commander in chief of this province for the time being, are hereby authorized, enjoined and required, with all convenient speed, to purchase so much land as they shall think necessary for the building and erecting a light-house and for the convenient accommodation [of the same] at the mouth of the bay aforesaid, at or near Cape Henlopen, and on the same land to build and erect a convenient light-house and to place and fix such and so many buoys in such parts and places of the said river and bay as they shall think necessary for the pointing out and discovering the channel thereof and to agree on, do, execute and perform all and every other act, matter and thing relative to the premises which to them shall appear necessary for the making safe and assisting the navigation of the said river and bay.

[Section II.] And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, shall and they are hereby authorized, enjoined and required to ask for, demand, receive and collect all and every sum and sums of money which are or ought to be in the hands of the managers of the said light-house lottery from the said managers and also to ask for, demand and receive all and every such other sums of money which now are due and payable to the said managers by any person or persons, bodies politic or corporate whatsoever for tickets sold and unpaid for in as full and ample a manner as if the said sums of money had become due to them in their own right, and for the said moneys when so received to give one or more sufficient receipts or discharges, which receipts or discharges shall be and are hereby declared fully and sufficiently to exonerate, acquit and discharge every such person and persons,

bodies politic and corporate, who shall pay any such moneys to the said commissioners of and from the appropriation and disposition thereof and of and from all manner of trust and duty arising from or respecting such money to all intents and purposes whatsoever; and that the said sums of money so received by the said commissioners shall, with all convenient speed, be applied, appropriated and disposed of for and towards the purchasing the said land, building and erecting the said light-house and placing and fixing the buoys aforesaid in the said river and bay.

[Section III.] And be it further enacted by the authority aforesaid, That if, after demand made as aforesaid, any person or persons, bodies politic or corporate whatsoever in whose hands such moneys shall be shall neglect or refuse to pay the same to the said commissioners, that then it shall and may be lawful to and for them, the said commissioners, or a majority of them, and they are hereby enjoined and required, in their own names, to sue for and recover the said moneys by action on the case or action of debt, as the case may require, to be brought for the same, if above five pounds, in any county court of common pleas within this province, if five pounds or under, before any justice of the peace, and upon trial to give this act and the books of the said managers, or any other legal proof, in evidence in support of such action, and if it shall appear to the court and jury or to the justice of the peace aforesaid that the sum demanded or any part thereof is justly due, then the said court or justice respectively shall give judgment against the defendant for so much as shall appear to be due, with costs of suit, and shall award execution for the same as is usually done in such like action before them respectively triable by the laws of this province, and if no part thereof shall appear to be due as aforesaid, that then the said court or justice respectively shall give judgment for the costs against the plaintiff, which costs shall be paid out of the moneys recovered or collected by virtue of this act.

[Section IV.] And be it further enacted by the authority aforesaid, That the said commissioners, or a major part of them, or of the survivors or survivor of them, shall from time to time make report of their proceedings in the premises to the assembly

of this province and shall also account with the committees of assembly annually appointed to settle the public accounts, to be by the said committees laid before the assembly for their approbation.

[Section V.] And, be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall designedly take up, remove or destroy any such buoy or buoys so placed by the said commissioners in the bay or river Delaware from the place or places where the same shall be placed and fixed as aforesaid without the consent, order and direction of the governor or commander in chief of this province for the time being, every such person being thereof legally convicted in any county court of quarter sessions in this province shall forfeit and pay the sum of five hundred pounds, one-half thereof to him or them that will sue and prosecute for the same, and the other half to the governor of this province for the support of government, and, moreover, be committed to the common gaol of such county there to remain during the space of twelve months, without bail or mainprise.

Passed September 30, 1763. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VIII, and the Acts of Assembly passed September 22, 1764, Chapter 556; (the two acts of) February 8, 1766, Chapters 536, 540; May 20, 1767, Chapter 561; May 27, 1769, Chapter 597; May 16, 1770, Chapter 613; March 9, 1771, Chapter 632; October 19, 1771, Chapter 640; February 26, 1773, Chapter 671; October 4, 1788, Chapter 1365; September 28, 1789, Chapter 1453.

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### CHAPTER DIII.

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AN ACT TO ENABLE THE COMMISSIONERS FOR PAVING THE STREETS OF THE CITY OF PHILADELPHIA, TO SETTLE THE ACCOUNTS OF THE MANAGERS AND TO SUE FOR AND RECOVER FROM SEVERAL PERSONS SUCH SUMS OF MONEY AS ARE NOW DUE AND UNPAID ON ACCOUNT OF THE SEVERAL LOTTERIES SET UP AND DRAWN FOR PAVING THE STREETS OF THE SAID CITY.

Whereas the commissioners nominated and appointed in and by an act of general assembly, entitled "An act for regulating,