

the drawing of the same for and during any space of time not exceeding eighteen months, provided the said lottery shall be drawn on or before the expiration of that time.

Passed September 20, 1766. Referred for consideration by the King in Council, February 11, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXV, Section I, and the note to the Act of Assembly passed February 15, 1765, Chapter 517.

CHAPTER DXLVI.

AN ACT TO ENABLE THE COMMISSIONERS HEREINAFTER NAMED 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 LOTTERY SET UP AND DRAWN FOR ERECTING A HOUSE OF WORSHIP AT THE TOWN OF CARLISLE, IN THE COUNTY OF CUMBERLAND, FOR THE USE OF THE FIRST PRESBYTERIAN CONGREGATION UNDER THE PASTORAL CARE OF JOHN STEEL, MINISTER.

Whereas it hath been represented by petition to this assembly from the minister and others of the said congregation that some time ago they obtained from the Honorable James Hamilton, Esquire, late governor of this province, a license to raise by lottery a certain sum of money to enable them to build a decent house in the town aforesaid for the worship of Almighty God; that the settlement of the said lottery was long deferred on account of the confusions occasioned by the late Indian war, and that the petitioners now find it impracticable to bring the same to such an issue as will answer the design thereof unless the legislature should be pleased to assist them with a law to oblige the several managers and sellers of tickets to settle their accounts and the adventures to pay the outstanding debts:

To the end, therefore, that the money due the said lottery may be speedily collected and applied as originally intended:

[Section I.] Be it enacted by the Honorable John Penn, 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 Robert Miller, John Holmes, John Miller and Robert McGaw, gentlemen, are hereby nominated and appointed commissioners to settle the account of the said lottery with the said managers.

And in order to enable them to execute and perform the said duty:

[Section II.] Be it further enacted by the authority aforesaid, That all and every the managers and sellers of tickets concerned in the lottery aforesaid are hereby enjoined and required, within three months next after the publication hereof, upon request for that purpose to them or any or either of them made by the said commissioners, to render fair and just accounts of the moneys by them or any of them received, with the debts to them or any of them due and owing for or on account of tickets sold, and the names of the person or persons who stand indebted to the said managers, or any of them, for tickets sold as aforesaid; and upon settlement of such account with the said commissioners, or a majority of them, the said managers and sellers of tickets and every of them in the lottery aforesaid upon any sum of money being found in their hands or from them or either of them due, or from any other person or persons to them or either of them indebted for tickets purchased as aforesaid, shall and they are hereby enjoined and required forthwith to pay to the said commissioners, or a majority of them, the sums from them respectively due to the said lottery.

And the better to enable the said managers and sellers of tickets to settle and pay off their respective balances to the said commissioners, all adventurers and purchasers of tickets in the said lottery are hereby strictly enjoined and required forthwith to pay to the said managers and sellers of tickets all and every the sum and sums of money by them respectively owing and unpaid; and in default of payment as aforesaid it shall and may be lawful to and for the said commissioners, or a majority of them, and to and for the managers and sellers of tickets in the said lottery to sue for and recover all such sums of money by action of debt, action on the case or otherwise as may be proper,

if above five pounds in any 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 or other legal proof in evidence; and if it shall appear to the court and jury or to the justice of the peace aforesaid on any trial by virtue of this act before them respectively had 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 like actions before them respectively triable and determinable by the laws of this province; but if no part of the sum demanded shall appear to be due as aforesaid, then the said court or justice respectively shall give judgment for the costs against the plaintiffs, which costs shall be paid out of the moneys recovered or collected by virtue of this act.

[Section III.] And be it further enacted by the authority aforesaid, That the said commissioners shall, with all convenient speed, pay all and every the sum and sums of money by them recovered and collected into the hands of such person or persons as shall be appointed by the said Presbyterian congregation to receive the same and carry into execution the design of erecting the house of worship aforesaid, which person or persons so receiving the said sum or sums of money are hereby enjoined and required to settle with and account for the same with the elders of the said congregation.

[Section IV.] And be it further enacted by the authority aforesaid, That this act and every article, clause and thing therein contained shall be and continue in full force for and during the term of three years from the publication hereof and from thence to the end of the next sitting of assembly and no longer.

Passed September 20, 1766. Referred for consideration by the King in Council, February 11, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXV, Section I, and the Act of Assembly passed September 30, 1769, Chapter 600.