

CHAPTER DLI.

AN ACT TO ENABLE THE COMMISSIONERS THEREINAFTER NAMED TO SETTLE THE ACCOUNTS OF THE MANAGERS AND TO SUE FOR AND RECOVER FROM SEVERAL PERSONS, THEIR EXECUTORS, ADMINISTRATORS AND ASSIGNS, 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 IN THE BOROUGH OF LANCASTER FOR THE USE OF THE PRESBYTERIAN CONGREGATION IN AND ABOUT THE SAID BOROUGH.

Whereas it hath been represented by petition to this house that the society of people called Presbyterians, residing in and near the borough of Lancaster aforesaid, being destitute of a proper place for public worship and not able of themselves to erect a building suitable for that purpose, were obliged some time since to have recourse to a lottery, thereby to obtain the assistance of well-disposed persons of other denominations; that the said society did accordingly set on foot a lottery for raising the sum of five hundred pounds, which was drawn at Lancaster in the year one thousand seven hundred and sixty-three; that a house of worship was raised and covered with all expedition after drawing the said lottery by the persons appointed to settle and collect the debts due from the managers and adventurers and to carry on the work; that the society are, however, prevented from finishing the building or making the same any way convenient for the uses intended by reason that several of the said managers of whom security was neglected to be taken and some of the adventurers have never accounted for and yet retain in their hands considerable sums of money arising from the said lottery; that the petitioners are therefore apprehensive the said building will fall into decay, whereby all the expense and labor hitherto bestowed may be rendered fruitless, unless they can be indulged with the aid of a law to appoint certain commissioners in behalf of the said society to demand and recover from the delinquent managers and others such sums of

money arising from the lottery aforesaid as are yet unpaid and to apply the same to the purposes originally intended:

[Section I.] Be it therefore 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 William Montgomery, John Craig and James Davis, members of the said congregation, be and they are hereby nominated and appointed commissioners to settle the accounts of the said lottery with the said managers, their executors, administrators or assigns.

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

[Section II.] Be it enacted by the authority aforesaid, That all and every the managers and sellers of tickets concerned in the said lottery, their and every of their executors and administrators, are hereby enjoined and required, within three months next after the publication hereof upon request 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, their or any of their executors or administrators, for tickets sold as aforesaid; and upon settlement of such accounts with the said commissioners, or a majority of them, the said managers and sellers of tickets and every of them, their and every of their executors and administrators, 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 and 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 plaintiff, 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 complete the building 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 thereof and from thence to the end of the next sitting of assembly and no longer.

Passed February 21, 1767. Referred for consideration by the King in Council, December 17, 1767, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVI, Section II. Expired.

CHAPTER DLII.

AN ACT FOR AMENDING THE ACT, ENTITLED "AN ACT FOR THE BETTER EMPLOYMENT, RELIEF AND SUPPORT OF THE POOR WITHIN THE CITY OF PHILADELPHIA, THE DISTRICT OF SOUTHWARK, THE TOWNSHIPS OF MOYAMENSING AND PASSYUNK AND THE NORTHERN LIBERTIES." ¹

Whereas it has been represented to the assembly by the managers of the contributions for the relief and employment of the poor in the city of Philadelphia that in pursuance of the powers and authorities vested in them by the act, entitled "An act for the better employment, relief and support of the poor, &c.," ¹ they had procured several lots of ground, part thereof by purchase and the rest by the donation of the honorable the proprietaries, and thereon have in part erected such buildings as are immediately necessary to accommodate the several kinds of poor intended to be relieved and provided for by the said act, that in the purchase and buildings aforesaid the sum of three thousand pounds and upwards raised by contribution, the sum of two thousand pounds borrowed by mortgage on the almshouse lot agreeable to the directions of the said act, with a further sum of seven hundred and fifty pounds lent by the mayor and commonalty of the city of Philadelphia have been all expended, and the said managers are now involved in a heavy debt over and above the said sum of money so expended on the building and purchase aforesaid, without the means of discharging the same or of completing and finishing the said build-

¹ Passed February 8, 1766, Chapter 534.