

tices of the court of quarter sessions of the said county of Philadelphia, in all such cases the persons so offending shall be fined treble the value of all the damages, to be assessed by two or more indifferent persons to be appointed by the said court to value the same, which fine shall be added to the common stock for the general use and benefit of the said island.

Passed May 20, 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, and the Acts of Assembly passed February 10, 1863, P. L. 24; April 4, 1866, P. L. 96.

CHAPTER DLXV.

AN ACT FOR RAISING BY WAY OF LOTTERY THE SUM OF FOUR HUNDRED AND NINETY-NINE POUNDS NINETEEN SHILLINGS, TO BE APPLIED TO THE PAYMENT OF THE ARREARS OF DEBT DUE FOR THE BUILDING AND FINISHING THE GERMAN LUTHERAN CHURCH IN EARL TOWNSHIP, IN LANCASTER COUNTY, AND TOWARDS THE ERECTING AND BUILDING A SCHOOL HOUSE TO THE SAME CHURCH.

Whereas it hath been represented to the assembly of this province by the church wardens and elders of the German Lutheran church lately built in Earl township that notwithstanding the subscriptions heretofore made towards raising a sum of money for the erecting and finishing the said church, there yet remains a considerable sum due for the work already done, and a further sum besides what has been hitherto raised by contributions among themselves will be wanted to complete the same and to erect a school house near the said church for the education of youth:

Wherefore we, the representatives of the freemen of the province of Pennsylvania, desirous of aiding and promoting such pious and charitable purposes, do pray that it may be enacted:

[Section I.] And 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 New-

castle, 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 Edward Hughes, Michael Tiefendurfer, Philip Martsteller, John Shultz, Charles Miller, George Rine, George Stahley and Henry Rockey, of Lancaster county, gentlemen, shall be and they are hereby nominated and appointed managers and directors of the lottery hereby instituted and directed to be drawn for the preparing and disposing of tickets and to oversee the drawing of the lots and to order and perform all such other matters and things as are hereinafter directed and appointed by such managers and directors to be done and performed, and that the said managers, or a major part of them, shall meet together at some convenient place by them to be appointed for the execution of the powers and trust reposed in them by this act, and shall cause proper books to be prepared in which each leaf shall be divided and distinguished into three columns, and upon the innermost or first of the said three columns there shall be printed four thousand and four hundred and forty-four tickets, numbered one, two, three and so onwards in an arithmetical progression, where the common excess is to be one, until they raise to and for the number of four thousand four hundred and forty-four; and upon the middle column of every of the said books there shall be printed four thousand four hundred and forty-four tickets of the same breadth and form and numbered in like manner; and in the extreme column of the said books there shall be printed a third rank or series of tickets of the same number with those of the other two columns, which tickets shall be joined with oblique lines or devices in such manner as the said managers shall direct, and that every of the said tickets shall have written or printed thereupon (besides the number of such tickets and the year of our Lord Christ) the following words, viz.:

“This ticket entitles the bearer to such prize as may be drawn against its number if demanded in nine months after the drawing is finished, subject to such deduction as is mentioned in the scheme.”

[Section II.] And be it further enacted by the authority afore-

said, That the said managers shall have full power and authority to sell and dispose of to such person or persons as shall choose to adventure in the said lottery, the said tickets of the extreme column aforesaid at the rate of fifteen shillings for each ticket, and upon the receipt of the said sum of fifteen shillings shall deliver to such adventurer or adventurers one of the tickets so sold, signed by one of the said managers and cut out of the said books through the said oblique lines and devices indentwise, to be kept and used [by] him, her or them for the better ascertaining and securing his, her or their interest in the said ticket in case it should be fortunate.

[Section III.] And be it further enacted by the authority aforesaid, That the said managers shall nominate and appoint one reputable person to be the treasurer or receiver of the moneys arising from the sale of said tickets, taking from the said treasurer or receiver such security for the due answering and paying of the moneys which he shall receive in pursuance of the directions of this act, and for the true performance of the trust in him reposed, as the said managers, or any three of them, shall judge reasonable and sufficient in that behalf, to which said treasurer the said managers shall from time to time pay over the several sums of money they shall respectively receive for the tickets by them sold as aforesaid, to remain in his hands for the payment of such adventurers in the said lottery as shall prove fortunate and other the purposes hereinafter mentioned and appointed, for which said sums of money they, the said managers, respectively shall take a receipt signed by the said treasurer.

[Section IV.] And be it further enacted by the authority aforesaid, That after all the said tickets of the third or extreme column shall be sold as aforesaid, the said managers, or any three of them, shall cause all the tickets of the middle column in the said books to be carefully rolled up and made fast with thread or silk, the same being cut out of the said books indentwise through the said oblique lines or devices, and shall cause them to be put into a box to be prepared for that purpose marked with the letter A, and to be immediately after sealed with the several seals of the said

managers until the said tickets are to be drawn as is hereinafter mentioned and that the tickets of the first or innermost columns of the said books shall remain still in the books for discovering any mistake or fraud if such should happen to be committed contrary to the true meaning of this act.

[Section V.] And be it further enacted by the authority aforesaid, That the said managers, or any three of them, shall also prepare, or cause to be prepared, other books in which every leaf shall be divided and distinguished into two columns, and upon the innermost of those two columns there shall be printed four thousand four hundred and forty-four tickets, and upon the outermost of the said two columns there shall be printed the like number of tickets, all which shall be of equal length and breadth as near as may be, which two columns of the said books shall be joined with some oblique lines and devices as aforesaid; and that one thousand five hundred and nineteen tickets, part of those to be contained in the outermost columns of the books last mentioned, shall be called the fortunate tickets; and the said managers, or any three of them, shall cause the said fortunate tickets to be written upon or otherwise expressed, as well in figures as in words, at length in manner following: That is to say, upon one of them one hundred and twelve pounds ten shillings; upon two other of them severally, thirty-seven pounds ten shillings; upon four of them severally, eighteen pounds fifteen shillings; upon ten of them severally, eleven pounds five shillings; upon twenty of them severally, seven pounds ten shillings; upon fifty of them severally, three pounds fifteen shillings; upon one hundred of them severally, three pounds; upon four hundred of them severally, two pounds five shillings; upon nine hundred and thirty-two of them severally, one pound ten shillings, which principal sums so to be expressed upon the said fortunate tickets, together with nine pounds seven shillings and six pence to be allowed to the owner of the first drawn ticket, and the like sum of nine pounds seven shillings and six pence to be allowed to the last drawn ticket, will amount in the whole to three thousand three hundred and thirty-three pounds, out of which of each and every of the said fortunate tickets or the sums thereon expressed the said managers are hereby au-

thorized and required to deduct fifteen per centum and no more, amounting in the whole to four hundred and ninety-nine pounds and nineteen shillings, the sum intended for the uses and purposes in this act hereafter mentioned and specified.

[Section VI.] And be it further enacted by the authority aforesaid, That the said managers, or any three of them, shall cause all the said tickets contained in the outermost column of the last-mentioned books to be carefully rolled up and fastened with thread or silk and carefully cut out indentwise through the said oblique lines or devices and put into another box to be prepared for that purpose and marked with the letter B, and sealed up and carefully kept by them until those tickets shall also be drawn in the manner and form hereinafter mentioned.

[Section VII.] And be it further enacted by the authority aforesaid, That the said managers, or any three of them, shall cause the said boxes with all the tickets therein to be carried to some public and convenient room by nine of the clock in the forenoon and placed on the table there for that purpose, and shall then and there severally attend this service and cause the two boxes containing the said tickets to be unsealed and opened and the tickets or lots in the said boxes being, in the presence of the said managers and such of the adventurers as shall think proper to be there, well shaken and mingled in each box distinctly, some one indifferent and fit person to be appointed and directed by the said managers, or any three of them, shall take out and draw one ticket from the box where the said numbered tickets shall be as aforesaid put, and one other indifferent and fit person to be appointed and directed in like manner shall presently take out a ticket or lot from the box where the said one thousand five hundred and nineteen fortunate and the two thousand nine hundred and twenty-five blank tickets shall be promiscuously put as aforesaid, and immediately both the tickets so drawn shall be opened and the number, as well of the fortunate as of the blank tickets, shall be named aloud, and if the ticket taken or drawn from the box containing the fortunate and blank lots shall appear to be a blank, then the numbered tickets so drawn with the said blank at the same time drawn

shall both be put on one file, and if the ticket so drawn or taken from the box containing the fortunate and blank lots shall appear to be one of the fortunate tickets, then the principal sum written upon such fortunate [ticket], whatever it be, shall be entered by a clerk, which the said managers, or any three of them, shall employ and oversee for this purpose, into a book to be kept for entering the numbers drawn with the said fortunate tickets and the principal sums whereunto they shall be entitled respectively, and two of the said managers shall set their names as witnesses to such entries, and the said fortunate and numbered tickets so drawn together shall be put upon another file, and so the drawing shall continue by taking one ticket at a time out of each box, and with opening, naming aloud and filing the same, and by entering the fortunate lots in such method as is before mentioned until the whole number of one thousand five hundred and nineteen fortunate tickets and one more for the last drawn as aforesaid shall be completely drawn; and if the same cannot be performed in one day, the said managers shall cause the said boxes to be sealed up in manner aforesaid and adjourn till the next day, and so from day to day (Sundays excepted) and then open the same and proceed as before till the drawing of the tickets be finished and completed as aforesaid, and afterwards the said numbered tickets so drawn with the fortunate tickets drawn against the same shall be and remain in a strong box, sealed up as aforesaid, and under the custody of the said managers, until they shall take them out to examine, adjust and settle the property thereof and make the deduction of fifteen per centum aforesaid.

And to the end that the fortunate may know their success in the said lottery:

[Section VIII.] Be it enacted by the authority aforesaid, That as soon as the drawing is over the said managers are hereby enjoined and required to cause to be printed and published in the Pennsylvania Gazette the number of the tickets drawn against each fortunate ticket and the principal sum written on the same; and if any dispute shall arise in adjusting the property of any of the said fortunate tickets, the said managers, or the major part of them, shall determine to whom it doth and

ought to belong, and shall also make the deductions aforesaid out of each of the said fortunate tickets for the raising the moneys aforesaid, and when this is done shall draw an order on the treasurer aforesaid for the payment of the neat sum due on the said tickets respectively, which order the said treasurer is hereby enjoined and required to pay and discharge.

[Section IX.] Provided always and be it further enacted by the authority aforesaid, That before any of the said managers or directors shall take upon himself the duties and office hereby enjoined they shall respectively, before some justice of the peace for the county of Lancaster, take the following oath, viz.:

“I, A. B., do swear that I will faithfully execute the trust reposed in me, and that I will not use any indirect arts or means or permit or direct any person to use any indirect art or means to obtain a prize or fortunate ticket or lot for myself or any other person whatsoever, and that I will do my utmost endeavor to prevent any undue or sinister practice to be done by any person whatsoever; and that I will, to the best of my judgment, declare to whom any prize lot or ticket of right does belong, according to the true intent and meaning of the act of assembly passed in the seventh year of His present Majesty’s reign.”

[Section X.] And be it further enacted by the authority aforesaid, That if any of the fortunate adventurers in the said lottery shall neglect to apply to the said managers for the order on the treasurer aforesaid for the sum due on his, her or their tickets respectively within the space of nine months after the public notice given as aforesaid in the Gazette aforesaid, the sum or sums of money due to him, her or them shall be applied to the uses, intents and purposes to which the sum hereby directed to be deducted is directed to be appropriated and applied.

[Section XI.] And be it further enacted by the authority aforesaid, That after the payment of the neat sums due to the fortunate adventurers in the said lottery, and defraying the costs and expense attending the execution of this act, the sum of money remaining in the hands of the treasurer aforesaid shall be appropriated and applied for and towards discharging the arrears of debt due for the erecting and finishing the said church and erecting and building the school-house thereto be-

longing, which sums shall be paid by the treasurer aforesaid to the church-wardens of the said church, whose receipts shall be a discharge for the sum by them received.

[Section XII.] And be it further enacted by the authority aforesaid, That the said managers shall lay their accounts of moneys received for the tickets aforesaid directed by them to be sold and of the moneys paid by them to the treasurer aforesaid; and the said treasurer shall lay his accounts of the moneys received by him of the said managers and paid to the said church-wardens; and the said church-wardens shall lay their accounts of the moneys respectively received of the treasurer and disbursed by them to and for the purposes hereinbefore mentioned, before any three justices of the court of quarter sessions of the peace for the said county of Lancaster, to be by them examined and adjusted.

Provided always, that the said lottery be erected and drawn within two years from the publication hereof.

[Section XIII.] And be it further enacted by the authority aforesaid, That the said treasurer shall and may from time to time, as occasion may happen, bring actions in his own name against any person or persons indebted to the managers aforesaid, or either of them, for the sale of tickets, or against any other persons concerned in the execution of this act for any breach of trust therein.

Passed May 20, 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.

CHAPTER DLXVI.

AN ACT FOR THE RELIEF OF THOMAS COTTERELL GROVE, FREDERICK PEPLER, SAMUEL WATTS, AZARIAH VAUN, THOMAS MULLAN, MATTHEW WARBURTON, JAMES MARTIN AND THOMAS LEMON, LANGUISHING PRISONERS IN THE GAOLS OF PHILADELPHIA, CHESTER AND LANCASTER, WITH RESPECT TO THE IMPRISONMENT OF THEIR PERSONS.

Whereas it hath been represented to the assembly by the several petitions of Thomas Cotterell Grove, Frederick Pepler,