

Passed February 18, 1769. Referred for consideration by the King in Council, February 26, 1770, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVII, Section I.

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CHAPTER DLXXXIII.

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AN ACT FOR RAISING BY WAY OF LOTTERY THE SUM OF THREE THOUSAND AND NINETY-NINE POUNDS TWELVE SHILLINGS FOR THE USE OF THE FIRST AND THIRD PRESBYTERIAN CHURCHES, AND OF THE SECOND PRESBYTERIAN CHURCH IN THE CITY OF PHILADELPHIA, AND OF THE GERMAN REFORMED CHURCH IN THE TOWNSHIP OF WORCESTER.

Whereas it hath been represented to the assembly of this province that the First Presbyterian Congregation in the city of Philadelphia, after rebuilding and enlarging the galleries of their church in Market street at a considerable expense found that the said church was insufficient to accommodate their congregation, and therefore they have at a great expense attempted to erect a large but plain house for public worship in Pine street, whence the society is greatly involved in debt; that, though large sums have been already subscribed and paid towards building said house in Pine street, it remains unfinished and hardly fit for the celebration of public worship, and that the people who, from their residence in the district and lower part of the city, form the congregation which worship in that church, being in general poor, are altogether unable either to finish the same or to pay off the large debt already contracted, and that a considerable sum of money will be necessary to enable them to perfect their commendable and pious undertaking:

And whereas it has also been represented to the said assembly that the Second Presbyterian Congregation find themselves under a necessity of purchasing a piece of ground for a burying place and putting a new roof immediately on their church in Arch street and of completing the unfinished part of their galleries in said church, which they are unable to do, having

hitherto raised large sums of money among themselves for the public use of their society and are still greatly in debt:

And whereas it has been also represented to the said assembly that the members of the German Reformed church in the township of Worcester, in the county of Philadelphia, have erected a church and school house in the said township, the expense and costs whereof have been so great as to amount to a debt of six hundred pounds more than they are able to pay:

[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 Hodge, William Rush, James Craig, James Mease, Hugh Williamson, Robert Knox, Gunning Bedford, John Rhea, John Bayard, William Shippen, Junior, Jonathan Bayard Smith, Isaac Snowden, Philip Wentz, Peter Wentz, Jacob Sneider, Jacob Weaver, Michael Croal, Henry Conrad and Isaac Lefever, 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 three different sets of 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 three columns there shall be printed five thousand one hundred and sixty-six 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 five thousand one hundred and sixty-six, and upon the third column of every of the said books there

shall be printed five thousand one hundred and sixty-six tickets of the same breadth and form and numbered in like manner; and in the middle column of each 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 last-mentioned tickets shall have written or printed thereupon (besides the number of such tickets and the class to which it doth belong and the year of our Lord) the following words, viz.:

“Philadelphia and Worcester Lottery.

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 a deduction of fifteen per cent.”

That every of the tickets in the middle column of the first set of books so prepared shall likewise have printed thereon Class the First, and every of the tickets in the middle column of the second set of books so prepared shall have printed thereon Class the Second, that every of the tickets of the middle column in the third set of books so prepared shall have printed thereon Class the Third.

[Section II.] And be it further enacted by the authority aforesaid, 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 middle column aforesaid at the following rates, viz.: the five thousand one hundred and sixty-six of the first class for fifteen shillings each, five thousand one hundred and sixty-six of the second class for twenty-five shillings each, five thousand one hundred and sixty-six of the third class for forty shillings each; and upon the receipt of such sum of fifteen shillings aforesaid shall deliver to the adventurer one of the tickets in the first class 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 for the better ascertaining and securing his, her or their interest in said ticket in case it should be fortunate.

And after the drawing the said first class as hereinafter di-

rected and publishing the fortunate numbers in the public newspapers in Philadelphia, and after paying the prizes so drawn, the said managers shall have the like authority to sell and dispose of the tickets in the second class, and shall upon the receipt of twenty-five shillings deliver to the adventurer one of the tickets in the second class cut out in manner and for the uses aforesaid; and after drawing the said second class as herein-after directed and publishing the fortunate numbers in manner aforesaid, the said managers after paying the prizes so drawn in said second class shall have the like authority to sell and dispose of the tickets in the third class, and shall upon the receipt of forty shillings deliver to the adventurer one of the tickets in the third class cut out in manner and for the uses aforesaid.

[Section III.] And be it further enacted by the authority aforesaid, That the said managers, or a majority of them, shall nominate and appoint one reputable person to be the treasurer or receiver of the moneys arising from the sale of the 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 ten 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 that shall respectively remain in their hands on and after the payment of the prizes in the several classes of this lottery, 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 middle column in the first class shall be sold as aforesaid, the said managers, or a majority of them, shall cause all the tickets of the extreme column in the said books of the said first class 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 said books for the 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 a majority of them, shall also prepare or cause to be prepared blanks and prizes in manner and form following: For the first class five thousand one hundred and sixty-six tickets, of which number one thousand three hundred and ninety-three to be prizes, on which fortunate tickets or prizes shall be written or expressed, as well in figures as in words, at length in manner following: That is to say, upon one of them two hundred pounds, upon one other of them one hundred pounds, upon three other of them severally fifty pounds, upon six other of them severally twenty-five pounds, upon twenty-five other of them severally ten pounds, upon fifty other of them severally five pounds, and upon one thousand three hundred and seven other of them severally thirty shillings; which principal sums so to be expressed upon the said tickets will amount in the whole to three thousand and sixty pounds ten shillings, out of which and every of the said fortunate tickets in all and every of the classes aforesaid or sums thereon expressed the said managers are hereby authorized and required to deduct fifteen per centum and no more, amounting in the whole to three thousand and ninety-nine pounds twelve 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 a majority of them, shall cause all the above mentioned fortunate tickets or prizes of the first class written upon as aforesaid, together with three thousand seven hundred and seventy-three blanks, to be carefully rolled up and fastened with silk or thread and put into another box to be prepared for that purpose and marked with the letter B and sealed up with the several seals of the said managers and carefully kept by them until those tickets shall be drawn in manner and form hereinafter mentioned.

[Section VII.] And be it further enacted by the authority aforesaid, That the said managers, or a majority of them, shall cause the said boxes, with all the tickets therein, to be carried to some public or convenient room in the city of Philadelphia by nine of the clock in the forenoon on a certain day to be by them appointed and placed on the table there, 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 a majority of them, shall take out and draw one ticket from the box A, 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 at the same time take out a ticket or lot from the box B, where the said one thousand three hundred and ninety-three fortunate and the three thousand seven hundred and seventy-three blank tickets shall be promiscuously put as aforesaid, and immediately the tickets so drawn shall be opened and the number of the tickets drawn from the box A and whether it be a prize or blank and if a prize what value it be, shall be called aloud; which numbered ticket with its prize or blank so drawn shall be put on a file, and the same entered in books by clerks whom the managers or a majority of them shall employ and oversee for this purpose, and so the drawing to continue by taking one ticket out of each box, and with opening, naming aloud, filing the same and by entering the same in books as is before mentioned until the whole five thousand one hundred and sixty-six tickets in each box 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 tickets so drawn 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 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 of any of the classes is over the said managers are hereby enjoined and required to cause to be printed and published in the Pennsylvania Gazette, in the Pennsylvania Chronicle and in the Pennsylvania Journal, the numbers of the tickets 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 in any of the classes the said managers, or a majority 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.

[Section IX.] And be it further enacted by the authority aforesaid, That the said managers having drawn the first class, published the fortunate numbers of the same and sold the tickets of the middle column of the books of the second class, the said managers, or a majority of them, shall cause the tickets of the third column in the books of the said second class to be carefully rolled up and made fast with thread or silk, as ordered and directed to be done in the first class, and put up in the same manner in the box prepared for that purpose marked A, and shall also prepare or cause to be prepared five thousand one hundred and sixty-six blanks and prizes for the second class, to wit: three thousand eight hundred and sixty-four blanks and one thousand three hundred and two prizes, having on them written or expressed, as well in figures as in words, at length in manner following: That is to say, upon one of them five hundred pounds, upon one other of them two hundred pounds, upon four other of them severally one hundred pounds, upon ten other of them severally fifty pounds, upon ten other of them severally twenty-five pounds, upon twenty-five other of them severally ten pounds, upon fifty other of them severally five pounds, and upon one thousand two hundred and one other of them severally fifty shillings; which principal sums so to be

expressed upon the said tickets will amount in the whole to five thousand three hundred and fifty-two pounds ten shillings; and the said managers, or a majority of them, shall cause the said prize tickets of the second class written upon as aforesaid, together with the said three thousand eight hundred and sixty-four blank tickets, to be carefully rolled up and fastened with silk or thread and put into the box marked B prepared for that purpose, and shall proceed to the drawing of the same in the same manner and form, and to publish the fortunate numbers thereof, as is hereinbefore directed and appointed for the first class.

[Section X.] And be it further enacted by the authority aforesaid, That the said managers having drawn the second class, published the fortunate numbers of the same and sold the tickets of the middle column of the third class, the said managers, or a majority of them, shall cause the third column in the books of the said third class to be carefully rolled up and made fast with thread or silk, as ordered and directed to be done in the first class, and put up in the same manner in the box prepared for that purpose marked A, and shall also prepare or cause to be prepared five thousand one hundred and sixty-six blanks and prizes for the third class, one thousand one hundred and fifty-three of which to be prizes, on which prize tickets shall be written or expressed, as well in figures as in words, at length in manner following: That is to say, upon two of them severally one thousand pounds, upon two other of them severally five hundred pounds, upon four other of them severally two hundred and fifty pounds, upon eight other of them severally one hundred and fifty pounds, upon fifteen other of them severally one hundred pounds, upon twenty-five other of them severally fifty pounds, upon thirty other of them severally twenty-five pounds, upon fifty other of them severally ten pounds, and upon one thousand and seventeen other of them severally three pounds, which principal sums so to be expressed upon the said tickets will amount in the whole to twelve thousand two hundred and fifty-one pounds. And the said managers, or a majority of them, shall cause the said prize tickets of the third class written upon as aforesaid, together with four



thousand and thirteen blank tickets, to be carefully rolled up and fastened with silk or thread and put into the box marked B prepared for that purpose, and shall proceed to the drawing the same in the same manner and form and to publish the fortunate numbers thereof as is hereinbefore directed and appointed for the first class.

[Section XI.] 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 offices hereby enjoined, they shall respectively, before some justice of the peace for the county of Philadelphia, 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 arts or means to obtain a prize or fortunate ticket, either 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 ninth year of His present Majesty’s reign, entitled ‘An act for raising by way of lottery the sum of three thousand and ninety-nine pounds twelve shillings for the use of the First and Third Presbyterian churches and of the Second Presbyterian church in the city of Philadelphia, and of the German Reformed church in the township of Worcester.’”

[Section XII.] And be it further enacted by the authority aforesaid, That the adventurers in the first class shall have the particular privilege of renewing their tickets in the second class, provided they apply for that purpose any time within the space of three months from and after the finishing the drawing of the first class and publication of the same in the newspapers as aforesaid; after which, on their neglect of such renewal, the managers shall have full power and authority and they are hereby enjoined and required to dispose of the same to any other adventurer or adventurers, and so in like manner from the second to the third class.

[Section XIII.] And be it further enacted by the authority aforesaid, That if any fortunate adventurers in the said lottery

shall neglect to apply to the said managers for the sum due on his, her or their tickets respectively within the space of nine months after the public notice given in the several newspapers as aforesaid, such sum or sums of money so 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 XIV.] And be it further enacted by the authority aforesaid, That after the payment of the sums due to the fortunate adventurers in the said lottery, and defraying the costs and expenses of the same, the net sum of money remaining in the hands of the treasurer aforesaid shall be applied towards paying off the arrears of debt due from the committee of the First and Third Presbyterian churches, and towards finishing their church in Pine street, and towards purchasing a lot of ground for a burying-place for the Second Presbyterian congregation, putting a new roof on their church and finishing the galleries and paying off their debts if any money should remain for that purpose, and towards paying off the arrearages of debt due from the German Reformed congregation at Worcester, for building their church and school house and to no other uses whatsoever: That is to say, the sum of one thousand three hundred and seventy-four pounds twelve shillings for the use of the committee of the First and Third Presbyterian congregations in Philadelphia, of which one thousand one hundred and fifty-four pounds twelve shillings is to be applied towards discharging the arrearages of debt due from said committee for building their new church in Pine street and towards finishing that church, and two hundred and twenty pounds towards paying off the arrearages of debt due for enlarging their galleries; and the sum of one thousand one hundred and twenty-five pounds for the use of the committee of the Second Presbyterian church in the said city, towards buying a lot of ground for a burying-place, new roofing their church, finishing their galleries and paying off the arrearages of debt as aforesaid, and the sum of six hundred pounds for the use of the elders of the German Reformed church at Worcester towards paying off the arrearages of debt due for erecting their church and school

house aforesaid, which respective sums are to be paid by the treasurer aforesaid to the respective orders of the committees and elders of the churches aforesaid, they giving to the respective managers appointed on behalf of each of the said churches such security as they shall require that the money shall be disposed of to and for the purposes in this act mentioned.

Provided also, That if there should be any deficiency in raising the said sum of three thousand and ninety-nine pounds twelve shillings by a loss in the sale of tickets or otherwise, the said committees and elders of the respective churches aforesaid shall be entitled to and receive no more of the said treasurer than a sum ratably proportionate to the said several and respective sums before mentioned, or in case of any gain or profit arising by the lottery aforesaid for any tickets remaining unsold and therefore taken and retained on account of the several churches aforesaid, or for prizes not demanded within nine months as aforesaid, the same gains and profits shall be ratably and proportionably divided among the several churches aforesaid, to be ascertained, adjusted and settled by the said managers, or a majority of them.

[Section XV.] And be it further enacted by the authority aforesaid, That the said managers and every of them shall, within three weeks after the drawing of each class, meet together and adjust and settle the balances which shall be in their hands from the sale of tickets by them respectively sold after payment of such prizes as their respective tickets shall have drawn in each class, and if the amount of the tickets sold by any one of the said managers shall be more than is necessary to pay off the prizes drawn by such tickets, that then the said managers shall immediately pay the same to the said treasurer, who shall supply any other manager with such sums as shall be necessary to enable him to pay off the prizes due for the tickets which he hath sold.

[Section XVI.] And be it further enacted by the authority aforesaid, That the said managers within the space of six months after the drawing the third class aforesaid shall lay their accounts, as well of the moneys received for the tickets hereby directed by them to be sold as also of such prizes as

by them shall be severally paid and of the respective balances by them paid to the treasurer aforesaid, and the said treasurer within four months after the same, shall lay his accounts before the justices at their court of quarter sessions of the peace for the county of Philadelphia, 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 XVII.] And be it further enacted by the authority aforesaid, That any of the said managers shall and may from time to time as occasion may happen bring actions in their or either of their respective names against any person or persons indebted to them, or any of them, for the sale of tickets, or against any other person or persons concerned in the execution of this act for any breach of trust therein.

[Section XVIII.] 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 of the managers aforesaid for or on account of such balances as may severally remain in their hands, or for and on account of any breach [of trust in the execution of this act].

Passed February 18, 1769. Referred for consideration by the King in Council, February 26, 1770, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXVII, Section I.

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## CHAPTER DLXXXIV.

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AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF THE WICACO AND MOYAMENSING MEADOWS TO ERECT A DAM ACROSS HOLLANDER'S CREEK NEAR ITS JUNCTION WITH HAY CREEK, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas it has been represented to the general assembly of this province by petition of sundry owners of the Wicaco and Moyamensing Meadows, in the county of Philadelphia, that for some years past they have found the banks of their respective