

aforesaid, That so much of the said hereinbefore two recited acts of assembly relating to the Tincum Meadows as is hereby altered, contradicted or supplied shall be repealed and become null and void and that all other parts of the same acts shall remain, continue and be in as full force and virtue as if this act have never been made.

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, and the note to the Act of Assembly passed February 17, 1762, Chapter 474; and the Acts of Assembly passed March 10, 1788, Chapter 1337; April 3, 1851, P. L. 338; March 17, 1862, P. L. 129.

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## CHAPTER DXCII.

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AN ACT TO ENABLE THE COMMISSIONERS THEREINAFTER NAMED TO SETTLE THE ACCOUNTS OF THE MANAGERS AND TO SUE FOR AND RECOVER OF THEM, THEIR EXECUTORS OR ADMINISTRATORS, SUCH SUMS OF MONEY AS ARE NOW DUE AND UNPAID ON ACCOUNT OF THE LOTTERY SET UP AND DRAWN FOR ERECTING A NEW SCHOOL HOUSE FOR THE HIGH DUTCH REFORMED CONGREGATION AND FOR ENABLING THE VESTRY AND WARDENS OF ST. JAMES'S CHURCH, IN THE BOROUGH OF LANCASTER, TO COMPLETE THE WORK BY THEM BEGUN, AND ALSO TO ENABLE THE MANAGERS TO SUE FOR AND RECOVER MONEY DUE TO THEM FOR THE SALE OF TICKETS IN THE SAID LOTTERY.

Whereas it has been represented to the assembly of this province that in the year one thousand seven hundred and sixty-two a lottery was drawn in the borough of Lancaster for raising two thousand and one hundred and thirty-five dollars for erecting a new school house for the High Dutch Reformed Congregation at Lancaster and for raising five hundred and sixty-five dollars to enable the wardens and vestry of St. James's Church, in the said borough, to complete the same:

And whereas it has been further represented to the said assembly that many of the adventurers in the said lottery are still indebted for tickets and several sums of money are still due and unpaid by some of the managers of the said lottery, and it is

reasonable that the adventurers should be compelled to pay the money due from them to the said managers for tickets, and also that the managers should pay the money remaining in their hands for the purposes intended by the said lottery to such commissioners as are by this act appointed to receive the same:

[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 Province aforesaid in General Assembly met, and by the authority of the same, That George Sanderson, James Ralfe and Casper Shaffner, junior, of the borough aforesaid, 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 in the said lottery, their and every of their executors and administrators are hereby enjoined and required, within two months next after the publication hereof, upon request to them or any or either of them made by the said commissioners, or any two of them, to render fair and just accounts of the tickets by them severally and respectively signed and sold and the several and respective sums of money by them or any of them paid and disbursed for and on account of the uses and purposes intended by the said lottery; and upon settlement of such accounts with the said commissioners, or any two 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, shall and they are hereby enjoined and required forthwith to pay to the said commissioners, or any two of them, the sums from them respectively due to the said lottery.

And the better to enable the 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 sum and sums of money by them respectively owing and unpaid; and in default of payment by the said adventurers or purchasers to the managers and sellers of tickets, and in default of payment by the said managers and sellers of tickets of their several and respective balances after settling the accounts as aforesaid to the said commissioners, or any two of them, it shall and may be lawful for the said managers and sellers of tickets, their executors and administrators, and also for the said commissioners, or any two of them, as the case may require, to sue for and recover all and every such sum or sums of money to them respectively due by action of debt, action on the case or otherwise as may or shall 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 the [*sic*] 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 shall [*sic*] 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 sum and sums of money by them recovered and collected into the hands of such person or persons as shall be appointed by the minister, vestry and wardens of St. James's church to receive their distributive share of

the neat proceeds of the said lottery, and shall also pay into the hands of such person or persons as shall be appointed by the elders of the said High Dutch Reformed congregation to receive their distributive share of the neat proceeds of the said lottery, which person or persons so receiving the said sums [*sic*] or sums of money are hereby enjoined and required to settle with and account for the same with the minister, vestry and wardens of St. James's church and with the elders of the said High Dutch reformed congregation respectively.

[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 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. Expired.

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## CHAPTER DXCIII.

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A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR ERECTING PART OF THE COUNTIES OF PHILADELPHIA, CHESTER AND LANCASTER INTO A SEPARATE COUNTY."<sup>1</sup>

Whereas by the said act of general assembly of this province, passed in the twenty-fifth year of His late Majesty's reign, entitled "An act for erecting part of the counties of Philadelphia, Chester and Lancaster into a separate county,"<sup>1</sup> it is enacted that the boundaries of the said county shall be as follows, to wit: "By a line at the distance of ten superficial miles southwest from the western bank of the river Schuylkill, opposite to the mouth of a creek called Monocasy, to be run northwest to the extremity of the province and southeast until it shall intersect the line of Chester county, then on one straight line cross-

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<sup>1</sup> Passed March 11, 1752, Chapter 392.