

A C T S

OF THE

General Assembly of Pennsylvania.

Passed at a Session which commenced 6th December, 1791, and ended 10th April, 1792, being the second Legislature under the existing constitution.

1792.

THOMAS MIFFLIN, GOVERNOR.

RICHARD PETERS, Speaker of the Senate until January 31st, 1792.
SAMUEL POWELL, Speaker of the Senate from January 31st, 1792, until the end of the Session.
WILLIAM BINGHAM, Speaker of the House of Representatives.

CHAPTER MDXCII.

An ACT to prevent the sale of Lottery Tickets within this commonwealth.

WHEREAS, in and by an act of the General Assembly of the late province, now state of Pennsylvania, passed the seventeenth day of February, one thousand seven hundred and sixty-two, entitled "An Act for the more effectual suppressing and preventing of lotteries,"* it was enacted, adjudged and declared, that all lotteries, whether public or private, are common and public nuisances, and against the common good and welfare of the people; and divers penalties and forfeitures are imposed upon every person who shall set up or establish any lottery, or sell or expose to sale any ticket or device in such lottery, but the same hath not in latter years been considered to extend to lotteries set up and established without this state; wherefore tickets and chances in lotteries set up and established in other places have been sold in great numbers within this commonwealth, to the impoverishing divers unwary citizens, to the discouraging of industry, and contrary to the spirit of the said act.

SECT. I. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if any person or persons, from and after the passing of this act, shall expose or offer to sale, or sell, barter or exchange by public or private sale or contract, any ticket or tickets, chance or chances, or other evidence of chance or chances, or parts or shares of any ticket, chance, or evidence of chance, in any lottery, or other device in the nature of a lottery, by whatsoever name it may be called,*

*Vol. 1. page 246.

Penalty on selling, or offering for sale, tickets in lotteries not authorized by the laws of the commonwealth,

not authorized by the laws of this commonwealth, being thereof convicted in any court of competent jurisdiction, shall forfeit and pay, for every ticket, chance, or evidence of chance, or part or share thereof, in such lottery, or other device, so offered or sold, bartered or exchanged, the sum of five pounds, one moiety thereof to him, her or them, who shall prosecute the offender or offenders, and the other moiety to the overseers of the poor of the city, town or place, where the offence shall be committed, for the use of the poor thereof, to be recovered as fines, penalties and forfeitures for misdemeanors are recoverable in such courts.

1792.
 Appropriation of the penalty.

Passed 20th January, 1792—Recorded in Law Book No. IV. page 279.

CHAPTER MDXCIV.

A SUPPLEMENT to the laws made for the relief of insolvent debtors within this commonwealth.

WHEREAS, by the laws of this commonwealth for the relief of insolvent debtors, no provision is made for those who languish in prison, being indebted in more than one hundred pounds in the whole, and not having resided within the state for two years next before their imprisonment: and it frequently happens that strangers are arrested and confined in the gaols of this commonwealth, who are indebted to a greater amount, and are unable to pay the same, and have heretofore surrendered, or are willing to surrender, all their estate and effects, for the use of their creditors; and it is proper that citizens otherwise entitled thereto, but not under execution, should receive the like benefit with other insolvent debtors:

(See chap. 315, vol. I, pa. 181, and the notes thereto.)

SECT. I. *Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That upon the petition of any person, who hath been or shall be confined in any gaol of this commonwealth for the space of six months, or more, next preceding the time of preferring such petition, and who shall not have resided in this commonwealth for the space of two years before his imprisonment, and who shall not be proceeded against as a bankrupt, to any court having competent jurisdiction, such court shall enquire, by all lawful means, whether the petitioner is so arrested and confined by adversary process, and without any collusion with the plaintiff or plaintiffs, for the purpose of obtaining the benefit of this act; and if it shall appear, to the satisfaction of the said court, that the defendant hath been arrested, and is actually confined, for debts which he is unable to pay, and is held and detained in confinement without his consent or procurement, and against his will, and that he hath in the schedule to be annexed to his petition made a full and perfect discovery and disclosure of all his estate, real and personal, whatsoever and wheresoever, it shall and may be lawful for such court to proceed upon such petition, in the same manner and form, and remand or discharge the said petitioner, upon the same terms and conditions, and the peti-

Insolvent debtors, not having resided two years, &c. how to be discharged.