

At a General Assembly begun and holden at Philadelphia, the fourteenth day of October, A. D. 1764, and continued by adjournments until the twentieth day of September, 1765, the following acts were passed:

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CHAPTER, DXVII.

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AN ACT FOR RAISING BY WAY OF LOTTERY THE SUM OF THREE THOUSAND AND THREE POUNDS, FIFTEEN SHILLINGS, TO BE APPLIED TO THE PAYMENT OF THE ARREARS OF DEBT DUE FOR THE FINISHING ST. PETER'S AND ST. PAUL'S EPISCOPAL CHURCHES, IN THE CITY OF PHILADELPHIA, AND TOWARDS FINISHING THE EPISCOPAL CHURCH AT CARLISLE AND THE BUILDING OF AN EPISCOPAL CHURCH IN EACH OF THE TOWNS OF YORK AND READING, AND REPAIRING THE EPISCOPAL CHURCH AT MOLATTIN, IN BERKS COUNTY, AND THE EPISCOPAL CHURCH IN [HUNTINGDON] TOWNSHIP, IN YORK COUNTY, AND FOR REPAIRING THE EPISCOPAL CHURCHES AT CHICHESTER AND CONCORD, AND PURCHASING A GLEBE FOR THE CHURCH AT CHESTER, IN THE COUNTY OF CHESTER.

Whereas it hath been represented to the assembly of this province by the church-wardens and vestrymen of the united congregations of Christ's Church and St. Peter's and by the trustees of St. Paul's Church, lately built in the city of Philadelphia, that notwithstanding the generous subscriptions heretofore made by the members of the said churches towards raising a sum of money for the erecting and finishing thereof, there yet remains due upon the former the heavy debt of near fifteen hundred pounds and from the latter near the sum of five hundred pounds more than they have been able to procure for the completing their commendable and religious designs.

And whereas it has been also represented to the assembly aforesaid that there is a further sum of two hundred pounds necessary to enable the church-wardens and vestrymen of the Episcopal church lately in part erected in the town of Carlisle,

to finish and complete the same, the further sum of three hundred and fifteen pounds towards erecting an Episcopal church in the town of York and repairing the Episcopal church in [Huntingdon] township, in York county, and the further sum of three hundred and seventy-five pounds towards building an Episcopal church, in the town of Reading, and repairing the Episcopal church at Molattin, in Berks county, which is united under the same missionary with Reading, and the further sum of one hundred pounds towards purchasing a glebe for the church in the borough of Chester, and the further sum of one hundred pounds towards enlarging the Episcopal church at Chichester, and the further sum of one hundred and three pounds fifteen shillings toward enlarging and repairing the Episcopal church at Concord, in the county of Chester, more than the members of the respective churches aforesaid have been able to obtain from subscriptions among themselves for the good purposes aforesaid, we, the representatives of the freemen of the province of Pennsylvania, being desirous of aiding and encouraging such charitable and pious designs, 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 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 Henry Harrison and Jacob Duchee, Esquires, Charles Stedman, Thomas Gordon, Joseph Sims and Edward Duffield, John Ord and John Knowles, 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 thirteen thousand three hundred 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 thirteen thousand three hundred and fifty, and upon the middle column in every of the said books there shall be printed thirteen thousand three hundred and fifty 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 ticket and the year of our Lord Christ) the words following, 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 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 extreme column aforesaid at the rate of thirty shillings for each ticket, and upon the receipt of the said sum of thirty 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 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 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 indented 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 thirteen thousand three hundred and fifty 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 four thousand eight hundred and twenty-one 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 seven hundred and fifty pounds, upon one other of them three hundred and seventy-five pounds, upon four of them severally one hundred and eighty-seven pounds ten shillings, upon four others of them severally ninety-three pounds fifteen shillings, upon five of them severally seventy-five pounds, upon sixteen of them severally fifty-six pounds five shillings, upon thirty of them severally thirty-seven pounds ten shillings, upon thirty others of them severally twenty-eight pounds two shillings and six pence, upon forty of them severally eighteen pounds fifteen shillings, upon seventy of them severally eleven pounds two shillings, upon two hundred of them severally seven pounds ten shillings, upon one hundred and forty of them severally five pounds twelve shillings and six pence, upon two hundred of them severally three pounds fifteen shillings, upon one thousand of them severally three pounds, and upon three thousand and eighty of them severally two pounds five shillings, which principal sums so to be expressed upon the said fortunate tickets, together with thirteen pounds two shillings and six pence to be allowed to the owner of the first drawn ticket, and the like sum of thirteen pounds two shillings and six pence to be allowed to the last drawn ticket, will amount in the whole to twenty thousand and twenty-five pounds, out of which of each and every of the said fortunate tickets, or the 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 three pounds fifteen 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 four thousand eight hundred and twenty-one fortunate and the eight thousand five hundred and twenty-nine 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 ticket 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 ticket 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 ticket 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 four thousand eight hundred and twenty-one 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 to 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 Philadelphia, take the following oath:

"I, A. B., do swear that I will faithfully execute the trust reposed in me, and that I will not use any indirect art 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 fifth 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 expenses 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 church called St. Peter's church, inclosing the burying ground thereto belonging and purchasing an additional lot to the said burying ground, and for and towards the payment of the arrears of debt due for the finishing the church called St. Paul's church, both of them situate in the city of Philadelphia; and for and towards finishing the Episcopal church at Carlisle, for and towards erecting the two several Episcopal churches in the towns of York and Reading, and repairing the Episcopal churches at Molattin and [Huntingdon], in York county, and for and towards the purchasing a glebe for the church in the borough of Chester, and for and towards enlarging the Episcopal church at Chichester, and for and towards enlarging and repairing the Episcopal church at Concord, and to no other uses or



purposes whatsoever, That is to say, the sum of thirteen hundred and twenty-five pounds, part thereof, to and for the use of St. Peter's church, in the city of Philadelphia; four hundred and twenty-five pounds more thereof to and for the use of St. Paul's church in the said city; two hundred pounds more thereof for the finishing the Episcopal church at Carlisle; three hundred and fifteen pounds more thereof to and for the building an Episcopal church in the town of York; sixty pounds more thereof to and for the repairing the Episcopal church in the township of [Huntingdon,] in York county; three hundred and fifteen pounds more thereof to and for the building an Episcopal church in the town of Reading; sixty pounds more thereof to and for the repairing the Episcopal church at Molattin, in the county of Berks; one hundred pounds more thereof to and for the use of repairing the Episcopal church and purchasing a glebe for the same in the borough of Chester; one hundred pounds more thereof to and for the use of enlarging the Episcopal church at Chichester and one hundred and three pounds fifteen shillings, the residue thereof, to and for the use of repairing the Episcopal church at Concord aforesaid, all within the Province of Pennsylvania, which sums shall be paid by the treasurer aforesaid to the several church-wardens and vestrymen of the said congregations and churches or intended churches respectively, and to the trustees of St. Paul's, whose respective receipts shall be a discharge for the sum by them received respectively.

Provided always, That the church-wardens, vestrymen and trustees aforesaid shall, before they receive any of the said respective sums give bond to the said managers with such security as they shall approve of for the applying and expending the sums of money they shall respectively receive to the several uses and purposes for which the same are given and directed by this act and no other.

Provided also, That if there should be any deficiency in raising the said sum of three thousand and three pounds fifteen shillings by a loss in the sale of the tickets or otherwise, the said church-wardens, vestrymen and trustees 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 profits 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 any three of them.

[Section XII.] And be it further enacted by the authority aforesaid, That the said managers shall lay their accounts of money 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, vestrymen and trustees respectively, and the said church-wardens and trustees respectively shall lay their accounts of the moneys respectively received of the treasurer and disbursed by them to and for the purposes hereinbefore mentioned before the committee of assembly for the time being appointed for the settlement of the public accounts, to be by them examined, adjusted and laid before the assembly then sitting.

Provided always, That the said lottery be erected and drawn within twelve months 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 sale of tickets, or against any other persons co[n]cerned in the execution of this act for any breach of tr[ust therein].

Passed February 15, 1765. Referred for consideration by the King in Council, February 10, 1766, and allowed to become a law by lapse of time in accordance with the proprietary charter. See Appendix XXIV, Section VII, and the Acts of Assembly passed February 8, 1766, Chapter 538; September 20, 1766, Chapter 545.