

CHAPTER DLXXXI.

AN ACT FOR RAISING BY WAY OF LOTTERY THE SUM OF ONE THOUSAND SIX HUNDRED AND EIGHTY-SEVEN POUNDS TEN SHILLINGS, TO BE APPLIED TO THE PAYMENT OF THE ARREARS OF DEBT DUE FOR THE ERECTING AND FINISHING THE GERMAN REFORMED CHURCH AND THE GERMAN LUTHERAN CHURCH IN YORK TOWN AND FOR THE PAYMENT OF THE ARREARS OF DEBT DUE FOR THE ERECTING AND FINISHING THE GERMAN LUTHERAN CHURCHES AT HEIDELBERG AND LEBANON, BOTH OF LANCASTER COUNTY.

Whereas it hath been represented to the assembly of this province by the ministers, vestrymen and congregations of the German Lutheran and Reformed churches of the town of York and of the German Lutheran churches of Heidelberg and Lebanon, in Lancaster county, that notwithstanding the generous subscriptions heretofore made by the several members of the said churches towards raising sufficient sums of money for the erecting and finishing their respective buildings, there yet remains due from the said congregation of the German Reformed church of York Town about three hundred and forty pounds, from the said congregation of the Lutheran church of the same town about three hundred and forty pounds, from the congregation of the German Lutheran church at Heidelberg, in Lancaster county, about six hundred and seventy pounds, and from the congregation of the German Lutheran church at Lebanon, in Lancaster county aforesaid, about three hundred and thirty-seven pounds more than they have been able to procure for completing their commendable and religious designs:

[Section I.] Therefore 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 author-

ity of the same, That Philip Marsteller, Christopher Wegman, John Weiser, Simon Kappeheffer, George Swingel and Henry William Steigel, of Lancaster county; Godfrey Rohrer and Christopher Witman, of Berks county; Martin Eichelberger, George Keentz, John Hays, Jacob Dowdel, Joseph Welshantz, John Guckes and John Schultz, of York 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 two 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 four thousand five 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 four thousand five hundred, and upon the extreme or outer column of each of the said books there shall be printed four thousand five hundred tickets of the same breadth and form and numbered in the like manner, and in the middle column of each of said books there shall be printed a rank or series of tickets of the same number of 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 ticket and the class to which it doth belong and the year of our Lord, the following words:

“York, Heidelberg and Lebanon 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.

[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 four thousand five hundred of the first class for twenty shillings each, and the four thousand five hundred of the second class for thirty shillings each. And upon the receipt of such sum of twenty 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 directed 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 thirty shillings, deliver to the adventurer one of the tickets in the second 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 any nine of them, shall nominate and appoint one reputable person to be the treasurer or receiver of the moneys arising by virtue of this act, 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 nine 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 two 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 any nine 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 any nine of them, shall also prepare or cause to be prepared blanks and prizes in manner and form following: For the first class, four thousand five hundred tickets, of which number one thousand two hundred and twenty-five 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 two of them severally one hundred pounds, upon four other of them severally fifty pounds, upon eight other of them severally twenty-five pounds, upon twenty other of them severally ten pounds, upon forty other of them severally five pounds and upon one thousand one hundred and fifty other of them severally two pounds, which principal sums so to be expressed upon the said tickets will amount in the whole to three thousand five hundred pounds, out of which and every of the said fortunate tickets in each class 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 one thousand six hundred and eighty-seven pounds ten 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 nine of them, shall cause all the above mentioned fortunate tickets or prizes of the first class written upon as aforesaid, together with three thousand two hundred and seventy-five blanks, to be carefully rolled up and fastened with thread or silk 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 any nine of them, shall cause the said boxes, with all the tickets therein, to be carried to some public and convenient room in the borough of Lancaster by nine of the clock in the forenoon on a certain day to be appointed by the said managers and there to be placed on the table, 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 nine 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 two hundred and twenty-five fortunate and the three thousand two hundred and seventy-five blank tickets shall be promiscuously put as aforesaid, and immediately the tickets so drawn shall be opened and the number of the ticket drawn from the box A and whether it be a prize or a 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 any nine of them, shall employ and oversee for this purpose, and so the drawing to continue by taking one ticket at a time out of each box, and with the

opening, naming aloud, filing the same, and by entering the same in books as is before mentioned, until the whole four thousand five hundred 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 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 and in the Pennsylvania Chronicle the numbers 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 in either of the classes, the said managers, or any nine 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 any nine of them, shall cause the tickets of the third or extreme 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 four thousand five hundred blanks and prizes for the second class, to wit: three thousand one hundred and sixty-nine blanks and

one thousand three hundred and thirty-one 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 seven hundred pounds, upon one other of them five hundred pounds, upon three other of them severally two hundred pounds, upon five other of them severally one hundred pounds, upon ten other of them severally fifty pounds, upon thirty other of them severally twenty-five pounds, upon fifty-one other of them severally ten pounds, and upon one thousand two hundred and thirty other of them severally three pounds, which principal sums so to be expressed upon the said tickets will amount in the whole to seven thousand seven hundred and fifty pounds. And the said managers, or any nine of them, shall cause the said prize tickets of the second class written upon as aforesaid, together with the said three thousand one hundred and sixty-nine 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.] 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 York or 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 either for myself or any other person whatsoever, and that I will do my utmost endeavor to prevent any undue and 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 doth 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 one thousand six hundred and eighty-seven pounds ten shillings, to be applied to the payment of the arrears of debt due for the erecting and finishing the German Reformed church and the German Lu-

theran church in York Town, and for the payment of the arrears of debt due for the erecting and finishing the German Lutheran churches at Heidelberg and Lebanon, both of Lancaster county.'”

[Section XI.] 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, 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.

[Section XII.] 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 XIII.] 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 German Reformed church in York Town, the German Lutheran church in the same town in the county of York, the German Lutheran church in Heidelberg, and the German Lutheran church of Lebanon, in Lancaster county, and to no other uses or purposes whatsoever: That is to say, the sum of three hundred and forty pounds ten shillings part thereof for the German Reformed church in York Town, three hundred and forty pounds more thereof to and for the use of the German Lutheran church in the same town, six hundred and seventy pounds more

thereof to and for the use of the German Lutheran church in Heidelberg in Lancaster county, and three hundred and thirty-seven pounds, the residue thereof, to and for the use of the German Lutheran church in Lebanon in the same county, all within the province of Pennsylvania, which sums shall be paid by the treasurer aforesaid to the several church wardens and elders of the said congregations and churches, whose respective receipts shall be a discharge for the sum by them received respectively.

Provided always, That the church wardens or elders aforesaid shall, before they receive any of the said respective sums, give bond to the said treasurer with such security as the said treasurer 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 one thousand six hundred and eighty-seven pounds ten shillings by a loss in the sale of the tickets or otherwise, the said church wardens or elders 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 nine of them.

[Section XIV.] 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 the first class meet together and adjust and settle the balances which shall be in their hands from the sale of the tickets by them respectively sold, after payment of such prizes as their said 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 XV.] And be it further enacted by the authority aforesaid, That the said managers within the space of six months after the drawing the second 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 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 XVI.] 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 XVII.] 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.