PENNSYLVANIA LOTTERIES OF OTHER DAYS

BY IRMA A. WATTS, REFERENCE LIBRARIAN
Legislative Reference Bureau, Harrisburg, Pennsylvania

For us, who hear so much about lotteries at the present time, it is of interest to delve into history and ascertain how long they have been in existence and how they have thrived. The change in thought and sentiment, with the passage of time, towards certain customs, is no more clearly illustrated than the changing viewpoint concerning lotteries.

It is worthy of note that lotteries have figured in the history of countries for many centuries, even as early as the time when the Roman Emperor Nero gave such prizes as houses and slaves. In 1656, in France, a stone bridge was built between the Louvre and Faubourg St. Germain through the aid of a lottery. In amazement we discover that even the British Museum had its origin in a lottery, the managers of which were the Archbishop of Canterbury, the Lord Chancellor and the Speaker of the House of Commons. The trend throughout history is always the same—first they are general lotteries, then they pass to state monopolies, and finally are suppressed.

Following the approved custom, we find that lotteries flourished widely in Pennsylvania during the colonial period. Before the period closed, however, an attempt was made to suppress them. In 1762, a law was passed: “For the more effectual suppression and prevention of lotteries.” The law declared: “That all lotteries whatsoever, whether public or private, are common and public nuisances, and against the common good and welfare of this province.” The act carried a penalty of £500 for anyone convicted of establishing or conducting a lottery. In addition, the penalty for any who should be convicted of selling tickets was that they should “forfeit and pay the sum of twenty pounds, lawful money of Pennsylvania, for every such offence.” All fines collected were to be given to the overseers of the poor where the offenses were committed.¹ The law was not all that it appeared

to be on the surface. In reality it only prohibited lotteries not sanctioned by the state government, and also specifically stated it was not to be considered as applying to lotteries set up outside the state. This exception was to prove troublesome later.

Lotteries therefore continued. On January 20, 1792, an act was passed to prevent the sale of lottery tickets within the Commonwealth. This act set forth that the previous law of 1762 had sought to suppress lotteries, but that it had not been considered to extend to lotteries set up without the state, so that tickets in great numbers had been sold in the Commonwealth, thereby "impoverishing divers unwary citizens, to the discouraging of industry, and contrary to the spirit of the said act." This law was more drastic than the previous one, as the penalty for any person selling or offering for sale lottery tickets or any device in the nature of a lottery, upon conviction, should pay the sum of five pounds for each ticket, chance, or part thereof. It was prescribed that the fine should be divided as follows: "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."²

Lotteries proved to be an easy way of raising money, and therefore we find that on March 9, 1797, the legislature enacted a law permitting a lottery for the purpose of raising $20,000 for defraying the expenses of paving the streets of Lancaster, a somewhat unusual method of providing money for public improvements.³ An act of 1798 authorized a lottery for the erection of wharves and piers on the Allegheny and Monongahela Rivers.⁴ This act however was repealed before the lottery was held,⁵ as was also a lottery for $60,000 providing for the erection of a bridge at Reading.⁶ The repeal of the last mentioned law was due to the fact that the commissioners had not been able to dispose of a sufficient number of tickets to enable them to draw for the lottery and they therefore asked permission to refund the money for the tickets already sold and requested that suitable persons should be appointed to settle and liquidate their accounts. All lotteries were by no means successful.

² Ibid., (1792), III, Chap. 1592.
³ Pennsylvania Statutes at Large, 1700-1809 (Harrisburg, 1896-1915), Chap. 1927.
⁴ Ibid., (1798), Chap. 1977.
⁵ Laws of Pennsylvania (1801), III, Chap. 2151.
As the city of Harrisburg grew, it became apparent that a Presbyterian church should be erected in the town. For a long time the members of that faith worshipped at the Paxton Church, about three miles distant. It is with more than passing interest that we learn a law was passed on March 16, 1798, appointing Robert Harris, George Whitehill, Christian Kunkel, William Graydon, George Brenizer, Adam Boyd, Jacob Bucher, Archibald McAllister, and Samuel Elder, commissioners for the purpose of holding a lottery to raise a sum not exceeding $5,000 to buy a lot and erect a church. The drawing took place from June 1 to 7, 1803. The church was opened for worship on February 12, 1808. Such was the origin of the present Market Square Presbyterian Church.

A superficial search of the laws of the early nineteenth century reveals many projects that derived money for their establishment through lotteries and shows that they were considered respectable over a long period of time. In 1803 the German Presbyterian Church of York was granted permission to conduct a lottery for $2,400 to rebuild the house of worship, accidentally destroyed by fire. The church was required to publish an accurate list of the winning numbers at least three times in both the English and German newspapers printed in the borough of York. Prizes not demanded within twelve months after publication, were considered relinquished for the benefit of the church.

The next year the African Episcopal Church of St. Thomas in the city of Philadelphia, received the right to conduct a lottery for $8,000 to discharge the debts of the minister, warden and vestry, and to complete a house of worship. Many of us in these days would welcome the opportunity of discharging our debts in such an easy way. In the same year the Fourth Presbyterian Church of Philadelphia obtained permission to hold a lottery for $10,000 Two churches in the county of Franklin, also, were permitted to conduct a lottery for $2,060 in order to complete their buildings. This singular amount was divided as follows: $660 for the German Presbyterian Church of Greencastle, and $1,400 for the Presbyterian Church at Mercersburg. The lists were to be published in a paper printed in the borough of Chambersburg.

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There seemed to be almost an epidemic of lotteries in 1805. The sum of $1,500 was allowed for the expense of erecting Zion Church and two school houses in the town of Womelsdorf, Berks county. The records were required to be published in The Reading Eagle. The same day, a lottery of $3,000 was allowed for the debts of the trustees of Union Academy at Doylestown. Not so long afterwards another lottery for $3,000 was authorized for building a house of worship to be used by the Lutheran and Calvinist societies in the town of Somerset. The lists were to be published in Philadelphia, Greensburg, Uniontown, Lancaster and Pittsburgh. Although radio didn't exist at that time people evidently believed in broadcasting such news to the best of their ability with the means at hand. It is quite evident from the above examples that lotteries were used by various sects and religious bodies.¹²

On February 18, 1805, a lottery for $20,000 for the purpose of removing obstructions and improving navigation in the Susquehanna River and its branches was approved.¹³ The amounts to be spent in the different sections of the river were definitely prescribed: $5,500 for removing obstructions from the town of Columbia to the mouth of Swatara; $3,300 from the Swatara to the mouth of the Juniata; $3,200 from the mouth of the Juniata to the town of Northumberland; $1,000 for like purposes in the northeast branch of the river to the head of the Nanticoke Rapids; $1,000 for like purposes for the West Branch from the mouth of the river to Anderson's Creek in Clearfield county; $4,000 for the Juniata River from its mouth to Frankstown; $1,000 in the Rays-town Branch from its mouth to Bedford; $1,000 for the Bald Eagle Creek, from its mouth to Milesburg. Provision was made for the appointment of two commissioners for each section of the river to see that the obstructions were removed. This probably was the first attempt to make the Susquehanna navigable, an ever-recurring idea that has proved to be a dream as yet unrealized. That all things did not work smoothly is revealed by a subsequent resolution adopted March 10, 1810, whereby it was resolved: "That the Governor... is authorized and required to cause suits to be brought on the official bonds of the managers... of the lottery... for removing the obstructions and improving the navigation

¹² Ibid., (1805), Chaps. 2535, 2537, 2539.
¹³ Ibid., (1805), Chap. 2547.
of the river Susquehanna . . . who shall appear to have acted as such managers and to have received any tickets for distribution for which they have not yet accounted and settled. . . .”

In the same volume of laws of 1805, with all these special actspermitting the holding of lotteries, is found a law somewhat inconsistent with the others in that it provided “for the more effectual prevention of excessive and deceitful gaming, and to prevent unlawful sales of chances or lottery tickets and to prevent insuring for or against the drawing of such tickets.”

About the same time, the Pennepack School in Philadelphia county was authorized to raise $5,000 by lottery. The German Presbyterian Church in Maytown, Lancaster county, was permitted to raise $3,000 and the Second Baptist Church established in Northern Liberties, Philadelphia, $7,000. Reading again comes to the front with a lottery authorized for $6,000 for an English house of worship and school house, while Annville asked for $1,600 for finishing and completing the house of worship in the course of construction for the use of the Lutheran and Presbyterian congregations in the county of Dauphin. This was prior to the separation of Lebanon from Dauphin county. It was not unusual for Reformed and Lutheran congregations to worship together in the same edifice, and there are at least three instances of Lutheran and Presbyterians having the same church building, disclosed in this search.

On February 3, 1806, an act was passed for the raising by lottery the sum of $20,000 for the purpose of discharging the debts of the Bustleton and Smithfield Turnpike Company. The legislature enacted a law on February 8, 1806, authorizing the Hebrew congregation of Philadelphia to raise by lottery a sum of money not exceeding $4,000 for the repairs of their synagogue and burial place, and for other purposes of relief. An act that was most unusual was passed on May 31, 1806, which authorized Richard Smith, Major Anthony Simmons, John Goodwin, Peter Christian, Robert Bethel, Benjamin S. Borton, and James Vannuxem, or a majority of them, to raise by way of lottery the sum of $7,000 to enable the company to pay its debts and to accomplish its purpose,

15 *Pennsylvania Statutes at Large,* (1805), Chap. 2549.
16 *Ibid.,* (1805), Chaps. 2565, 2576, 2625, 2626, 2627.
17 *Ibid.,* (1806), Chap. 2639.
18 *Ibid.,* (1806), Chap. 2643.
which was the promotion of the cultivation of vines.\textsuperscript{19} Thus lotteries were invoked for religious, educational and horticultural purposes, as well as for municipal, public and internal improvements.

In the spring of 1807, a lottery was authorized to raise $4,000 for the improvement of the navigation of Penns Creek, and the removal of natural and artificial obstructions.\textsuperscript{20} Several days later another act was passed to raise $3,000 for the borough of York, to bring streams of water to supply their fire engines and for other useful purposes.\textsuperscript{21} A very comprehensive undertaking was provided for by an act of April 10, 1807, which was to raise $6,000 for an aqueduct to conduct water into the town of Meadville, to improve its streets and highways, to aid the fund of the seminary of learning, and the society for the encouragement of manufacturers and other useful arts within the town.\textsuperscript{22} How so much was to be accomplished with so relatively small a sum for all these projects is not disclosed.

That church steeples had to be repaired in former days is evident from the act passed to provide money for the repair of the steeple of the house of worship of the Protestant Episcopal congregation at Lancaster.\textsuperscript{23}

Many religious organizations availed themselves of liquidating their debts by means of lotteries. The Society of Universalists of Philadelphia received permission to hold a lottery for $10,000 to purchase a burial ground and to pay a debt contracted when building their house of worship.\textsuperscript{24} On February 22, 1808, an act was passed to raise by way of lottery a sum of money to defray the expenses incurred by the trustees of the German Presbyterian and German Lutheran congregations in the borough of Carlisle and its vicinity, in the county of Cumberland. The amount involved was $9,000 and was to be equally divided between the two churches. Here again the act prescribed that the fortunate numbers were to be published in one of the English and one of the German papers printed in Carlisle.\textsuperscript{25}

\textsuperscript{19} Ibid., (1806), Chap. 2731.
\textsuperscript{20} Ibid., (1807), Chap. 2804.
\textsuperscript{21} Ibid., (1807), Chap. 2846.
\textsuperscript{22} Ibid., (1807), Chap. 2855.
\textsuperscript{23} Ibid., (1807), Chap. 2860.
\textsuperscript{24} Ibid., (1808), Chap. 2906.
\textsuperscript{25} Ibid., (1808), Chap. 2924.
One of the largest lotteries was authorized by the act of April 2, 1811. This law provided for a lottery of $340,000 for the purpose of completing the work of the Union Canal Company. This was a supplement to an act of 1795, which permitted the Schuylkill and Susquehanna Navigation Company and the managers of the Delaware and Schuylkill Canal Navigation Company to raise $400,000 by lottery. The law of 1811 sets forth that the earlier attempt had not been successful because of the sale of tickets for lotteries from other states within Pennsylvania, although contrary to law of 1792. Under this new law any person who sold lottery tickets not authorized by the laws of the Commonwealth, if convicted, should forfeit or pay a fine not exceeding $2,000 to the president and treasurer of the Union Canal Company to be applied by the company to a sinking fund.

A most unusual lottery was authorized by an act of 1820, which stated that it was for the purpose of promoting the sciences and useful arts by the distribution of the American edition of Dr. Rees's new *Cyclopaedia*. The prizes consisted of 200 complete sets of the *Cyclopaedia* valued at $65,000; 100 complete sets “elegantly bound” valued at $40,000; 250 imperfect sets, $15,000; 250 sets of all engravings, $25,000; 300 complete and modern atlases, bound in two volumes, $4,500; 700 atlases plain, $7,000; 1000 prizes, consisting of a number of portraits of American characters given in the work, $10,000; and one prize consisting of all the copper plates in the work, $10,000. Any prize not demanded within twelve months was to be distributed by the commissioners among the following libraries and institutions: Philadelphia Library, Athenaeum of Philadelphia, University of Pennsylvania, Franklin College, Dickinson College, Jefferson College, the Western University of Pennsylvania, Washington College, Allegheny College, and Northumberland Academy. Provision was also made that if there should not be sufficient numbers of sets to furnish one for each of these institutions then the said institutions were to cast lots therefor.

By 1833 it was deemed that the right for the lottery granted to the Union Canal Company had been fully exercised and exhausted, and that the other lotteries which the State had permitted had

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"Ibid., (1795), Chap. 1854.
"Ibid., (1820), Chap. 15."
either been exercised or abandoned, whereupon the legislature passed an act decreeing that "all and every lottery and lotteries, and device and devices in the nature of lotteries, shall be utterly and entirely abolished, and are hereby declared to be thenceforth unauthorized and unlawful." Later at the same session, a resolution was passed which set forth that lotteries could not be effectually suppressed by this state alone, without the cooperation of the other states, therefore the governor was instructed to transmit a copy of the first and second sections of the act abolishing lotteries to the governor of each state, with the request that he lay it before the legislature of his state, to ask for its cooperation. A copy, also, was to be sent to the President of the United States to be laid before Congress, so that Congress would enact legislation to abolish lotteries in the District of Columbia. Lotteries passed out of fashion with this legislation. However the restrictions and regulations that had been enacted over this period of years, were retained and incorporated in the Penal Code when it was adopted in 1860, which with its amendments is still in effect today.

Now again the cycle has changed. Lotteries which were prohibited so long ago are likely to be revived, and who can tell how widely they may again flourish? The unemployment relief lottery legislation in New York will probably produce similar measures in other states. Lotteries appeal to harassed legislators who realize the necessity of raising additional revenues, but who dread to increase the tax burden of the already over-loaded taxpayers. It is apparent that attempts will be made to legalize lotteries at the next session of the legislature.

Ibid., (1833), No. 32.