

LOTTERIES IN PENNSYLVANIA PRIOR TO 1833.

BY ASA EARL MARTIN.

The Pennsylvania State College.

(*For References, see pages 325-327.*)

The origin of lotteries as they were known during the early history of the United States is somewhat obscure. It is certain, however, that lotteries were used in connection with certain games of chance in the early history of the Roman Empire.¹ As an expedient for raising money for public purposes they were first used by the Italian City States during the fifteenth and sixteenth centuries. From Italy this type of lottery soon spread to France, Northern Europe, and England. In France, its first appearance seems to have been in 1529. From then until well into the nineteenth century lotteries were in general use throughout the country, for both public and private purposes. In England, the first lottery was established in 1567. Only a few years sufficed, however, to produce a great accession to this number.² Among the early lotteries authorized by the English Government was one in 1612 granting the Virginia Company permission to secure funds in this way for the promotion of its colonization project in America. In England, as in France, for nearly three centuries lotteries not only represented a fruitful source of revenue for the government itself but were frequently resorted to by individuals or institutions for private, public, and philanthropic purposes. Although lotteries were abolished by many European countries during the nineteenth century, as late as 1914 they figured in the annual budgets of Austria, Hungary, Holland, Spain, Denmark, Italy, Prussia, and a number of the smaller German States.

With the general prevalence during our early history of lotteries in England and continental Europe, whence our people and institutions came, it is to be expected that these games of chance would be introduced into America also. Here, in pioneer America, to a far greater extent than in European countries, the people were poor, money was scarce, debts were common, and credit was difficult to obtain. The fortunate few who possessed money and credit could make investments in government bonds and bank notes, in land promotions, and in commercial ventures. Although the speculating spirit which dominated our early history led many men with capital into lottery ventures, numerous other opportunities were open to them. On the other hand, for those with only a limited amount of money to invest, attractive investments were limited and difficult to obtain before the rise of the modern industrial and public service corporations. Hence the small, to a greater extent than the large, investor and speculator resorted to the lottery as one means by which quick returns were to be realized upon his surplus money.

With the rapid settlement of the country the necessity for better means of transportation, for the erection of schools and churches exacted greater and greater financial demands upon the people. To meet these without resorting to the institution of new taxes, which were extremely obnoxious to the great majority of our people, the American colonists followed the example of their European contemporaries in the establishment of lotteries as a means of raising money upon the principle of voluntary taxation. Hence in the records of all the colonial assemblies and, later, of the state legislatures are found numerous acts authorizing lotteries for public and private purposes. Without an exception all the thirteen original colonies and states at one time or another established and oper-

ated lotteries for carrying on the ordinary functions of government or for accomplishing some public project, such as road construction, river navigation, or erection of public buildings. Before 1820, the Legislature of Virginia alone authorized seventy lotteries and that of conservative Quaker Pennsylvania a much greater number. While the figures are not available for all the states, they appear to have authorized as many proportionally. In the brief period of eleven years, 1821-1832, the value of prizes in lotteries authorized by the State of New York reached the enormous sum of \$37,000,000, and a competent contemporary authority estimated the total expenditure for lottery tickets in the United States in 1832 at \$62,420,000, a sum five times greater than the annual expenditure of the federal government for that year.³ The wide use made of lotteries for religious, charitable, public, and speculative purposes furnished incentive for general participation on the part of all classes.⁴ Thus philanthropy with its universal appeal to public-spirited citizens became associated with an intricate game of chance, by which men endeavored to perform a religious and public duty and at the same time and by the same act to become rich by emptying the pockets of their fellow men.

In Pennsylvania, the state to which this study is to be limited, conditions did not differ materially from those in the other colonies. The demands for public improvements and public buildings, for churches and schools were identical as were also economic conditions in general. It is true that, for at least half a century after the founding of the colony, Pennsylvania was dominated by the Quaker element of the population whose members, as well as those of the numerous pietistic societies of the province, consistently opposed all games of chance. These early Pennsylvanians were a conservative, hard working, God fearing folk to whom

the numerous evils of the game of chance known as the lottery were evident as a discordant note in the society which they were working to establish. It was not until this original element was overwhelmed by the migration of thousands of adherents of other religious creeds that lotteries made any considerable headway in the province.

The Quaker opposition to gambling of all kinds was manifested in the first meeting of the Assembly at Chester (Upland) in 1682, when it was enacted "That if any person be Convicted of playing Cards, Dice, Lotteries, or such like enticing, vain and evil Sports and Games, such person shall, for every such offence, pay five Shillings, or Suffer five Days Imprisonment (at hard labour) in the house of Correction."⁵ Although this⁶ and similar acts passed in 1693⁷ and 1700⁸ were annulled by the English Government, the Assembly in 1705 passed a far more drastic "Act Against Riotous Sports, Plays and Games," by which such games as cards, dice, lotteries, tables, rowley-powley, loggats, shovegroats, shovel-board, billiards, kayles, clough-cales, ninepins, nineholes, quoits, bowles, half bowles "or any other kind of game whatsoever, now invented or hereafter to be invented . . ." were prohibited by law under severe penalties. The Privy Council in its recommendation to the Queen in 1709 stated that the act of 1705 "restrains your Majesty's subjects from innocent sports and diversions, and therefore we humbly offer that your Majesty be pleased to repeal the same. However, if the Assembly of Pennsylvania shall pass an act for preventing riotous sports and for restraining such as are contrary to the laws of this Kingdom, we shall have no objection thereunto, so it contains nothing else."⁹ Acting on this advice, the Queen repealed the act as an "unreasonable restraint on the King's Subjects from taking innocent Diversions."¹⁰ Thus it is evident that the Provincial As-

sembly opposed lotteries as one of numerous games of chance possessing more or less the same elements of evil and that at the same time the English Government, while recognizing the possibilities of evil in lotteries, made a distinction between them and what they regarded as "innocent sports and diversions."

Although lotteries were not legally prohibited, only one lottery appears to have been drawn during the next two decades. In 1720 a Mr. Reed by means of a lottery of 350 tickets, which were sold for 20 shillings each, disposed of a new brick house and several lots in Philadelphia.¹¹

The attitude of the City Council of Philadelphia toward lotteries is illustrated by its action in 1828, when upon hearing that Samuel Keimer, a printer and at one time a partner of Franklin's in business, intended to run a lottery during the annual city fair and that he had issued certain papers to that effect, it called him before it and after questioning him concerning the proposed lottery ordered him to desist from its establishment.¹²

The question of the abolition of lotteries came before the Provincial Assembly in their session of 1730, and due partly to a change of sentiment in the province toward certain games and sports and partly to a desire on the part of the members to meet the objections of the English Government to their previous measures, an act was passed "regulating Pedlers, Venders, etc.," in which the organization and the operation of lotteries were again specifically legislated against but apart from other games. This act prohibited the establishment either privately or publicly of lotteries within the province under a penalty of 100 pounds, half of which was to go to the Governor and half to the party bringing suit.¹³ Apparently this act was never considered by the Crown, but was allowed to become a law by lapse of time, in accordance with the proprietary Char-

ter. With the elimination of the objectionable features of the previous act, the opposition of the Council and the Crown was doubtless satisfactorily met. In many instances, by previous arrangement, the Governor agreed to forfeit his portion of the penalty and a member of the organization establishing the lottery brought suit for violation of the act with the understanding that his portion of the fine should be turned into the funds of the lottery also. Thus the penalties provided for in the act were entirely avoided.¹⁴ This custom became so common that an attempt was made by a citizen of Connecticut to take advantage of it. In 1756 Governor William Shirley of Massachusetts in a letter to Governor Morris of Pennsylvania stated that "In passing thro' Stainford (on the way to New York), Mr. Lloyd, a very worthy man, presing me much to ask a favour of you, which I take the Liberty to do. The People of the Church of England in that Town, have with a Great Expençe to themselves as they can bear, begun to build a Church, and can find no other Scheme of Carrying it, than by Lottery. Mr. Lloyd informs me that Lotteries are absolutely forbid in the Government of Connecticut; but that one may be had in Pennsylvania, with the Payment of a Fine, one Half of which Goes to the Governor. The Favour they would ask of your Honour is to be so far their Benefactor, as to Remit Your own Part of the Fine, towards Enabling them to finish the Church. Tho' I well know, my Dear Sir, that you don't much trouble Yourself about Church Buildings, yet I am persuaded your Natural Generosity of Temper and Good Disposition of Hart, towards helping any Sober Community in Effecting a Work which will make them Happy, and have a Tendency to promote Religion and Good Order, will strongly Prompt you to give up your perquisite in the Case of this proposed Lottery"¹⁵

While in spite of the act of 1730 it was possible for

the Provincial Assembly to authorize by special legislation the establishment of lotteries as exceptions to the law, it does not appear to have exercised this right in the case of any lottery on record between the years 1730 and 1762 inclusive. At least two lotteries, however, had the official sanction of the Philadelphia Council: one for the establishment of a lottery for the "fortification of the City" in 1747¹⁶ and the other for street paving the following year.¹⁷ In the former, the Common Council, to encourage the lottery, purchased 2,000 tickets, giving the note of the Treasurer of the Corporation for them with the provision that he should be indemnified by the Corporation in case of loss. Several prizes drawn by the City were handed over to the managers of the lottery to swell the profits.¹⁸ So it seems that instead of by special authorization of the Provincial Assembly it was through the discretionary power of the Governor in enforcing or forfeiting the penalty that the number and the character of lotteries were supervised.¹⁹ From 1747 until the passage of the anti-lottery act of 1762, lotteries gradually increased until their number in 1761 exceeded that of any other year in the entire history of the state.

Although lotteries appeared to be coming into general use as a substitute for taxation, a strong opposition to them continued. In the session of the Provincial Assembly of 1759 many memorials were presented from meetings of inhabitants in different places in the Province asking that more drastic legislation be passed against horse racing, gambling, plays, and lotteries.²⁰ The result was the passage of "An Act for the More Effectual Suppressing and Preventing (of) Lotteries and Plays," the preamble to which reads: "Whereas many mischievous and unlawful games called lotteries have been set up in the city of Philadelphia, which tend to the manifest corruption of youth and the ruin and impoverishment of many poor families. And

whereas such pernicious practices may not only give opportunities to evil disposed persons to cheat and defraud the honest inhabitants of this province, but prove introductive of vice, idleness and immorality, injurious to trade, commerce and industry, and against the common good, welfare and peace of this province” The penalty for erecting a lottery was 500 pounds with 20 pounds for advertising or selling tickets. All schemes in actual operation were permitted to continue. Furthermore the act made no attempt either to interfere with government lotteries authorized by Parliament or to curtail the right of the Provincial Assembly to grant special lotteries.²¹ The act appears to have been designed to destroy all unauthorized private lotteries and to restrict the number of public lotteries. When the bill came before the Governor and the Council it encountered much opposition. “The members of the Council acquainted the Governor they had been well informed, and believed it to be true, that this Bill was principally intended to destroy the College, Academy and Charity School of this City, which was a most Noble and useful institution; That some members of the House were well known to have thrown all possible discouragements on it, and failing of Success they had probably fallen on this method to prohibit Lotteries from which of Late the Academy had drawn its principal Support.” After praising the great public service rendered by this and other institutions receiving aid from Lotteries, the Council asserted “That there had been no Lotteries carried on in the Province other than for the most necessary and Charitable purposes, Viz: the fortification of the City, the Defence of the Province in Time of War, and the finishing of the Episcopal Church of this City, all which were managed with the greatest uprightness.

“Further, that the Enacting, adjudging, and declar-

ing all Lotteries in General, whether publick or private, to be Common and Publick Nuisances, was a high reflection on the Wisdom of the King, Lords and Commons, who had frequently Erected them by Act of Parliament for the publick Utility." It was further claimed that the existing act had accomplished its purpose in limiting lotteries to public purposes and consequently the present act was unnecessary and inadvisable.²² When the bill came before the King in Council, it was abrogated, very largely because it prohibited under severe penalties, the "exhibition of stage plays or any theatrical representation whatsoever." This action was in conformity with previous action of the English Government. On the other hand, it was asserted that as a rule the Provincial Assemblies had been permitted to make such laws as they saw fit concerning lotteries, although the opinion was expressed that the law on the statute books of the province concerning lotteries was sufficient to accomplish the desired end if properly enforced.²³

As a result of the agitation and the legislation against lotteries only one lottery, that for the College, Academy and Charitable School of Philadelphia, was drawn in 1759, and none whatever in 1760. But after the repeal of the lottery act of 1759 by the King in Council, a veritable mania for lotteries developed. Twenty-seven, the largest number ever instituted in a single year, were established in 1761, and seven in 1762. The result was the flooding of the country with lottery tickets and the appearance of all the evils so frequently associated with the lottery system. The natural outcome of this state of affairs was the renewal of the demand for more stringent legislation on the subject. This culminated in the passage, in 1762, of "An Act for the more effectual suppressing and preventing of lotteries." In this the Assembly tried to meet the objections of the English Government to the act of

1759, which included both lotteries and plays, by confining the provisions of the bill to lotteries alone.

This act of 1762 was almost identical with that of 1759. Under this act it became illegal under a penalty of 500 pounds to "publicly or privately set up, erect, make, exercise, keep open, show or expose to be played at, drawn or thrown at any such lottery, play or device or that shall cause or procure the same to be done after the publication of this act" It was provided further that any person convicted of buying or selling tickets or in any way assisting in the carrying of a lottery or similar device shall be fined "twenty pounds lawful money of Pennsylvania" for every offense. All fines collected under this act were to be turned over to the overseers of the poor in the districts where the offenses were committed.²⁴ Under this as under previous acts, lotteries chartered by the English Government and the Provincial Assembly were excluded from the provisions of the act. The following year the act was referred to the King in Council and allowed to become a law by lapse of time under the provisions of the Provincial Charter.²⁵

This act proved to be more effective in limiting the number and the purposes for which lotteries might be established than any previous measure had been. Between 1762, the date of the passage of this lottery act, and 1796, a period of thirty-four years, record has been found of only twenty-three lotteries. Of these six were private, eight were for public uses, and nine for the erection of church buildings.²⁶

Although petitions were presented in great numbers to the annual meetings of the Assembly asking permission to establish lotteries, only a few were granted during the decade following the passage of the act of 1762. A number of acts, however, were passed authorizing the completion of lotteries previously established by an extension of the time limit or compelling the

managers, ticket venders, or the purchasers of tickets to make final payments so that the purposes for which the lotteries were established might be consummated.²⁷ In the legislative session of 1769, a most pronounced anti-lottery sentiment appeared. In January of that year the Assembly resolved to receive no more petitions for the authorization of lotteries and it recommended to succeeding Assemblies that no future lotteries be authorized except for public purposes.²⁸

A few weeks later, March, 1769, the English Government, which had never been very favorably inclined toward the establishment of lotteries by provincial authorization, took a most decided stand in opposition to further authorizations. The Lord's Commissioners for Trade, in commenting upon an act of 1768 providing for the establishment of a lottery for the obtaining of funds for street improvements in Philadelphia, stated "That the Method of establishing Provincial Lotteries, and raising money thereby for Domestic Purposes and Improvements, had been frequently practiced, and Acts of Assembly for that purpose had been allowed, nevertheless, altho' the application of the sum proposed to be raised by the Lottery projected in the said Act, did not appear to be directed to purposes evidently commodious and beneficial, they could not omit observing that this is a practice which in their opinion ought by no means to be encouraged, as obviously tending to discourage and mislead Adventurers therein from Industry and Attention to their proper Callings and Occupations and introduces a Spirit of dissipation prejudicial to the Fortunes of Individuals, and the Interests of the Public."²⁹ And Hillsborough, the Secretary for the Colonies, in a letter dated March 24, 1769, and addressed to the Deputy Governor of Pennsylvania, said that His Majesty entirely disapproved of laws being passed in the colonies for raising money by means of the lottery. The bill before the

King authorizing a lottery to raise 5,250 pounds to purchase a public landing and clean the streets of Philadelphia was allowed only because the project was partly carried out. The Deputy Governor was informed that it was "His Majesty's pleasure that you do not, upon any pretence whatever, give your Consent to any future Act of that Nature, without having previously received His Majesty's Permission for that purpose, upon a full representation made to His Majesty of the reasons and Necessity for enacting such Law."³⁰

The opposition of the English Government to provincial lotteries appears to have been more pronounced at this time than at any previous period. After the conclusion of the French and Indian War an increasing interest was shown in her over-seas possessions and an attempt was made to regulate and to supervise the economic and the political life of the colonists to a greater degree than ever before. The hostility of the home government to provincial lotteries may be assigned to a number of causes, among which were the belief that they interfered materially with the development of trade and industry, in which the English people were vitally interested; the feeling on the part of many Englishmen as well as colonists that lotteries were a great moral evil and a demoralizing force in the country; the conviction that the granting of lotteries was out of harmony with the democratic government which existed in the colonies and that the system tended to the corruption of government officials; and lastly the idea that the existence of numerous lotteries in the colonies would interfere materially with the success of those chartered by the home government for obtaining a considerable part of the annual revenue.

Although the stringent anti-lottery act of 1762 and the opposition of the English Government resulted in a decrease in the number of lotteries officially sanc-

tioned, it did not accomplish all that its authors had hoped. During the troublous days of the Revolution and the long financial depression that followed, money was scarce and the demand for public and semi-public improvements resulting from the rapid settlement of uninhabited sections of the country became more and more insistent. The lack of money, however, with which to buy tickets was a more important factor in limiting the actual number of lotteries in operation at a given time than legislation.

While the act of 1762 was successful in preventing unauthorized lottery schemes, it did not control the sale of foreign lottery tickets. This term was applied to lotteries chartered by other states whose tickets were sold in Pennsylvania. Because of no actual means for limiting their number or regulating their sale these lottery tickets brought in from other states soon became a nuisance and a great demoralizing force. It is natural that Philadelphia, the largest city and one of the wealthiest cities in the country, should be especially alluring to the venders of lottery tickets. For a number of decades it appears to have been the center of the lottery business and a sort of clearing house from which tickets were sent out into all parts of the state to local dealers. The foreign lottery ticket evil became so pronounced that the Legislature in an act passed in 1791 attempted to remedy the condition. The act stated that "tickets and chances in lotteries set up and established in other places have been sold in great numbers within this Commonwealth, to the impoverishing of divers unwary citizens, to the discouraging of industry, and contrary to the spirit of the said (1762) act." It imposed a penalty of five pounds on those convicted of exposing, or offering for sale or barter or exchange by private or public sale their tickets of chance.³¹ While the act was intended to prohibit the sale of foreign lottery tickets in the state, it was en-

forced with much difficulty because of the recognized legal status of individuals or groups of individuals who had received from neighboring states special business concessions which under the prevailing inter-state commerce laws carried with them the right to operate in all parts of the country subject only to local police regulations. Furthermore the fine of five pounds was so small that many lottery brokers paid it regularly, as a sort of tax, and continued their business. Thus while this act remained on the statute books until 1860 when it was repealed, it never accomplished the purposes for which it was intended.

With the establishment of the government under the Constitution in 1789, the financial condition of the country rapidly improved, and before the end of the Washington Administration a wave of prosperity was evident everywhere. Money and credit were more plentiful than they had been for nearly half a century. An increase in prices and speculation in every form were general throughout the country. With the gradual growth of population, the great development of business, and the opening up of many new settlements came increasing and insistent demands for new or enlarged churches, schools, and public buildings, and for improved transportation facilities. To meet these public needs the regular revenue was insufficient and to avoid an abnormal increase in taxation and at the same time to secure the needed improvements petitions for the privilege of establishing public or semi-public lotteries were presented to the Legislature in increasing numbers after 1789.³² For a few years the Legislature continued its conservative policy consistently followed since 1762 of rejecting all requests for lotteries except when some important public purpose was to be served. Only one lottery was authorized in 1790, for the erection of a house of worship for the Hebrew Congregation of Philadelphia, none in 1791, in 1792,

in 1793, and in 1794;³³ two were granted in 1795, one the Aaronsburg Town Lottery in Northumberland County and the other a semi-public lottery for raising \$400,000, to aid in the opening of canals and lock navigation between the Schuylkill and the Susquehanna Rivers and the Delaware and the Schuylkill Rivers. Beginning with 1796, however, the attitude of the Legislature toward authorizing lotteries gradually underwent a change, due to the pressure brought to bear on it from the local districts in the state and to the change in its personnel. As a result, from 1796 to 1808 inclusive, seventy-eight different lotteries, or nearly half the total number in the entire history of the state, were authorized. While every year in this period saw at least two lotteries instituted, the greater number of them were chartered in the four years from 1805 to 1808 with nine, thirteen, eleven, and nineteen, lotteries respectively.

As a result, the state was flooded with state authorized and foreign lottery tickets, much as it had been in 1762 with very much the same results. Many of the lotteries chartered were unable to dispose of their tickets and complete their drawings. The newspapers show lottery scheme advertisements running weekly for one, two, and, in a few instances, three years. The records of the Legislatures for the next decade and more show many grants of extensions of time for drawings. Memorials from dissatisfied ticket holders were presented to every Legislature asking for legislation compelling managers of particular lottery schemes to complete their drawings and award prizes. In numerous other instances the managers appealed to the Legislature for bills to assist them in collecting from ticket sellers and ticket purchasers to whom credit had been extended. To the problems arising from the great surplus of tickets thrown upon the market was added the financial depression resulting from the

Embargo, the prolonged European war, and later our own War of 1812 with England.

Between 1808 and 1833, the date of the passage of the act for the "entire abolition of lotteries," records have been found of 16 different lotteries, most of which were of a public or semi-public nature. Although lotteries were not so numerous in this period as in others, the ticket sales far exceeded in amount those of any other period of equal length. One single lottery, The Union Canal Lottery, awarded in prizes more than \$33,000,000 between 1811 and December 31, 1833.

With the rapid increase of state authorized as well as foreign lotteries in the state, there came into existence lottery brokers in all the leading cities. Their number in Philadelphia alone was estimated at sixty in 1827, one hundred and seventy-seven in 1831, and upward of two hundred in 1833.³⁴ Among the evils which accompanied the lottery system was the organization of concerns whose business it was to insure lottery ticket purchasers against their chances of loss. Frequently the brokers became the agents of these concerns. Special rates were issued for the various lottery schemes, based upon the percentage and size of prize tickets. Due to the poor means of communication and the wide sale of tickets in the large schemes throughout the United States, many deceitful and fraudulent practices appeared in connection with lottery insurance.³⁵ To remove these and other irregular practices in connection with the whole lottery system, the Legislature of Pennsylvania, in 1805, passed "An Act for the more effectual prevention of excessive and deceitful gaming, and to prevent unlawful sales of chances of lottery tickets, and to prevent insuring for or against the drawing of such tickets."³⁶ While the act proscribed many existing practices under rather mild penalties, the offenders either through the protection of some legal technicality or through the es-

tablishment of relations with a neighboring state, as dealers in foreign lotteries, managed to continue their business in the state very much as they had handled it before the passage of the act of 1805.

In spite of the law of 1792 regarding foreign lotteries, which remained on the statute books, either legally or illegally foreign lottery tickets continued to be sold in great numbers throughout the state, although many of the abuses that were prevalent before 1792 no longer existed. These foreign lotteries entered into competition everywhere in the state with those chartered by the Pennsylvania Legislature, with the result that many Pennsylvania authorized lotteries remained uncompleted for years and the purposes for which they were established held in abeyance. The most striking illustration of this was the case of the lottery chartered in 1795 to raise \$400,000 to aid in the completion of the canals connecting the Schuylkill and the Susquehanna Rivers, and the Delaware and the Schuylkill Rivers. After sixteen years, during which this lottery had schemes almost constantly before the public, only \$60,000 of the \$400,000 had been raised, due to the inability of the managers to sell their tickets.³⁷ By the managers as well as the Legislature this condition was ascribed to the unlawful sale of large numbers of foreign lottery tickets in the State. To remedy this condition which seemed to be holding this and many other public projects in check, an act was passed by the Legislature in 1811 providing for severe penalties for the sale of tickets of lotteries not chartered by the Legislature of Pennsylvania.³⁸ But because of public sentiment or of complications arising from federal legislation it was never efficiently enforced.

Until the passage of the act for the "entire abolition of lotteries" in 1833, foreign advertisements were to be found in nearly every issue of the county and city newspapers. They were especially evident after 1820,

when it was not unusual to find four or more different foreign lottery advertisements in a single issue of a paper. During the entire period they were probably three times as numerous as those of lotteries chartered by the Legislature of Pennsylvania. In a single issue of the "Greensburgh Gazette," May 12, 1826, are found advertisements for the Connecticut State Lottery, The New York Literature Lottery, Maryland University Lottery, Mr. Jefferson's Lottery, The Grand Consolidated Lottery (New York), and only one Pennsylvania lottery, The Union Canal Lottery. Similar illustrations from papers throughout the state might be given.³⁹ Many brokers in nearby states ran advertisements regularly in the county papers in Pennsylvania.⁴⁰

From the passage of this act in 1811 until 1833, no important legislation concerning lotteries was passed in Pennsylvania. The events leading up to and the final enactment of the act for the "entire abolition of lotteries" in 1833 will be discussed later.

Having reviewed in a general way the growth of lotteries in Pennsylvania, together with their legal status previous to 1833, we shall now discuss in detail: First, the number of lotteries established in the state and the purposes for which they were intended, such as schools, churches, streets, road and river improvements, and bridges; second, the technique of lotteries as they existed in Pennsylvania, such as types of schemes, methods of disposing of tickets, systems of drawing and awarding prizes and methods of obtaining profits by the individual or individuals in whose interests the lotteries were established; and third, the development of the movement which resulted in the passage of the act of 1833 for the "entire abolition of lotteries."

REFERENCES.

¹ The uses to which these lotteries were applied are faithfully delineated by Menestrier, a Jesuit Father, who published the results of his researches about the close of the seventeenth century. The Romans appear to have invented lotteries to enliven their Saturnalia. This festival began by the distribution of tickets, which gained some prizes. Augustus made lotteries, consisting of things of little value; but Nero established some for the people, in which 1000 tickets were distributed daily, and several of the favored got rich by them. Heliogabulus invented some singular lotteries: the prizes were either of great value, or of none at all; one gained a prize of six slaves; and another of six flies; some got valuable vases, and others vases of common earth.

² The first English lottery, drawn in 1569, consisted of 40,000 lots, or tickets, at 10 shillings each. The prizes were plate and the profits were to be applied towards "repairing the havens of this Kingdom." The lottery was drawn at the west door of St. Paul's Cathedral and continued incessantly day and night from the 11th of January until the 6th of May following. The number of lottery offices in London grew in time to be upward of 400.

³ Tyson: "A Brief Survey of Lotteries in the United States," Pamphlet, Phila., 1833, pp. 29-30.

⁴ Not only the states but the national government as well resorted to lotteries as a means of replenishing their depleted finances. As early as 1776, the Continental Congress instituted a large lottery for securing funds for the conduct of the Revolutionary War. During the first half century of our independent existence, many lotteries were used for the construction of public buildings in the City of Washington. Among the ticket purchasers of these and other lottery schemes are found the names of Washington, Jefferson, Henry, Randolph, and Hamilton.

In 1793 the Commissioners of Washington, D. C., encountered much difficulty in attracting capital for the erection of hotels and public buildings. Consequently they resorted to the prevailing custom of establishing a lottery. With the assistance of Samuel Blodget of Philadelphia, a number of lotteries were planned, the first of which was for the erection of a hotel. This was to consist of 50,000 tickets at \$7. each and it was intended to yield \$50,000. to be applied to the construction of the hotel. In 1794 Blodget started Federal Lottery Number 2 to secure funds for the construction of six residences, and, if any additional funds remained, a National University. "The Baltimore Daily Repository," Sept. 16, 1793; "The Federal Gazette," Oct. 21, Nov. 9, 1793; "The Washington Gazette," July 9, 1796; "The Aurora," Jan. 17, Feb. 4, March 15, Jan. 31, 1799; "Annals of Congress, Report of Commissioners," 1796.

⁵ "Duke of York's Book of Laws," 1676-1682, p. 114.

⁶ The Act of 1682 was abrogated by William and Mary in 1693.

⁷ "Biorens Laws," Vol. I, Chapter 2, p. 2.

326 *Lotteries in Pennsylvania Prior to 1833.*

* "Statutes at Large of Pennsylvania," 1700-1712, Vol. II, p. 5. These acts were repealed by the Queen in Council in 1705.

* "Statutes at Large of Pennsylvania," 1700-1712, Vol. II pp. 186-187, 529.

¹⁰ "Colonial Records of Pennsylvania," Vol. VIII, p. 340.

¹¹ "Watson's Annals of Philadelphia," Vol. I, p. 201; Vol. II, p. 444.

¹² "Watson's Annals of Philadelphia," Vol. I, p. 62; Vol. II, p. 444.

¹³ "Statutes at Large of Pennsylvania," Vol. IV, pp. 143-144.

¹⁴ "The Colonial Records," Vol. VIII, pp. 339-340.

¹⁵ "The Pennsylvania Archives." Letter from General Shirley to Governor Morris, dated New York, May 2, 1756.

¹⁶ Scharf and Westcott: "History of Philadelphia," Vol. I, pp. 214-215; Vol. II, p. 444.

¹⁷ *Ibid.*, Vol. II, p. 863. A number of acts passed after 1762 were concerned with the settlement of lotteries that originated before the passage of the lottery act of 1762.

¹⁸ *Ibid.*, Vol. I, pp. 214-215.

¹⁹ In their report to the Governor, the Council stated that by the "Act for regulating Pedlers, Venders, &c.," "lotteries are prohibited under the penalty of One Hundred Pounds, One Half to the Governor and the other half to the Informer. That this had the Effect intended by deterring Persons from erecting Lotteries for private and bad purposes, and no Lottery has been drawn since but for a Publick use, of which the present and preceding Governors have been so far convinced that they have both Licensed and encouraged them by Remitting their part of the Fine. This act is therefore unnecessary, and should it take Place, no Lotteries can be erected tho' for the most useful and Laudable Purposes." "Colonial Records," Vol. VIII, pp. 339-340.

²⁰ "Watson's Annals of Philadelphia," Vol. I, p. 101.

²¹ "Statutes at Large of Pennsylvania," Vol. V, pp. 445-447; "The Colonial Records," Vol. VIII, pp. 339-340.

²² "Colonial Records," Vol. VIII, pp. 339-340.

²³ "Statutes at Large of Pennsylvania," Vol. V, pp. 720-722. In the "Report of the Lords of the Committee of Council" to the Crown, it was asserted that the act "has two objects in view, as the title of the bill imports, the one for the more effectual suppressing of lotteries, the other for prohibiting under a very severe penalty, the exhibition of stage plays or any theatrical representation whatsoever. With respect to the first, the suppression of lotteries, there is a law now in being for that purpose, which is stated to be ineffectual and of which it is proposed by this bill to enforce the execution by adding to the penalty. On the other hand, it has not been denied that notwithstanding the law now in force, several lotteries have been set up and on the other, it has been confessed that the money arising from them has been constantly applied to the support of a very laudable institution, the Academy of Pennsylvania.

"If the suppression of lotteries, my Lords, had been the single object of the law, though we think the penalties imposed by it extremely heavy

and though we are not without some suspicion by those penalties being transferred by this law to the Hospital at Philadelphia (which is particularly patronized by the Assembly) from the Academy which has been largely contributed to by the proprietors that together with the desire of suppressing the lotteries there has mixed some dissatisfaction at the preference which has been shown to the Academy.

"We should nevertheless, had the act been confined to the single object of suppressing lotteries, have recommended it to His Majesty's approbation, because, my Lords, we are clearly of opinion that the raising money contrary to law, though it may in some degree be palliated, cannot possibly be justified by the exceptional application of it."

²⁴ "Statutes at Large of Pennsylvania," Vol. VI, pp. 184-186.

²⁵ *Ibid.*

²⁶ Two of the 9 church lotteries were joint church lotteries. In all 21 different churches were concerned.

²⁷ "Statutes at Large of Pennsylvania," Vol. VII, pp. 271-273, 52-54, 72-74; Vol. VIII, pp. 175-176.

²⁸ Jenkins: "Pennsylvania, Colonial and Federal," Vol. I, pp. 558-559.

²⁹ "Colonial Records," Vol. IX, pp. 639-640.

³⁰ *Ibid.*, Vol. IX, pp. 636-637.

³¹ "Statutes at Large of Pennsylvania," Vol. XIV, pp. 198-199.

³² Scharf and Westcott: "History of Philadelphia," Vol. 1, p. 548.

³³ A lottery for the sale of lots in the town of New Berlin, Northumberland County, was drawn in 1794 but no record of its authorization has been found in the laws of the state.

³⁴ Tyson: "A Brief Survey . . . of Lotteries in the United States," Pamphlet, p. 37.

³⁵ *Ibid.*, p. 34.

³⁶ "Laws of Pennsylvania," 1802-1808, p. 210.

³⁷ *Ibid.*, 1810-1811, p. 237.

³⁸ *Ibid.*

³⁹ "The Democratic Press" (Phila.), Jan. 8, 1818, contains advertisements of the Oswego and Milford Turnpike, the Medical Science and the Surgical Institute Lotteries. "The Crawford Messenger" for March 3, 1832, contains advertisements of the New York Consolidated, the Delaware and North Carolina Consolidated, and the Dismal Swamp Lotteries.

⁴⁰ Cohen, a Baltimore broker, ran long advertisements in many Pennsylvania county papers for several years.

(To be continued.)