

CHAP. 154

Clerk to take an oath

Penalty for publishing scheme contrary to this act

13. AND BE IT ENACTED, That before the clerk of the commissioners shall proceed to act under this law, he shall take an oath before some justice of the peace of Baltimore county, well and faithfully, without favour, partiality or prejudice, to perform the duties of his office.

14. AND BE IT ENACTED, That if any managers of any lottery, or other person or persons, shall propose or publish any scheme of a lottery, or draw or attempt to draw any lottery contrary to the provisions of this act, each and every person so offending shall forfeit and pay the sum of five thousand dollars for each and every offence, to be recovered by action of debt, one-fifth thereof to the use of the informer, and the residue to the use of the county in which such action shall be brought, and if in Baltimore county court, then to the use of the mayor and city council of Baltimore; and if the said lottery shall be actually drawn, the whole sum purporting to be raised by such scheme or lottery, shall belong one-tenth to the informer, and the residue to the state of Maryland, and shall be recoverable from all or any of the persons so offending, by action of debt, in the name of the state, in any county court in this state where the party may commit the offence or reside; and in all suits or actions to recover fines or penalties imposed by this act, the said suits shall be tried at the first court after the institution of them, unless the court shall be satisfied, by the affidavit of the informer, or defendant or defendants, that a continuance is necessary for a fair and just trial of the cause.

Additional commissioners—Bond

15. AND BE IT ENACTED, That so soon as all the lotteries now authorised by law shall either have been drawn, or the right to draw them forfeited as herein before provided, two additional commissioners shall be appointed by the governor and council, who shall have like salaries, to be paid in like manner as the commissioners aforesaid, and take the oath herein before prescribed, before they proceed to act, and all the commissioners shall give bond to the state of Maryland, with five securities, to be approved by the judges of Baltimore city court, in the penalty of fifty thousand dollars, with condition that the said commissioners shall well and faithfully perform all the duties of commissioners of lotteries, and faithfully pay over all monies which shall come into their hands as commissioners of lotteries, to those who shall by law be entitled to the same, and the said bond shall be recorded among the records of Baltimore city court by the clerk of the said court, and a copy thereof, under the hand of the clerk and seal of the court, shall be to all intents and purposes as available evidence in any court of justice in this state, and elsewhere, as the original if produced and legally proven; and the state of Maryland, and all bodies politic and corporate, or individuals, who may be interested in the performance of the duties intended to be secured by the said bond, shall be at liberty to demand a copy of the said bond, and to bring a suit thereon, in the name of the state, for his, her, or their use, and may recover thereon the full amount of debt or damages which he, she or they, may shew him, her or themselves, to be entitled to, or to have sustained.

Two lotteries may be drawn annually in Baltimore

16. AND BE IT ENACTED, That said commissioners be and are hereby authorised and required, annually, to devise and fix upon the scheme of not more than two lotteries to be drawn in the city