

1 is a closer issue. But in the questions put to Judge
2 Sherbow, another issue loomed, whether or not the language
3 suggested by the majority if adopted as part of the Consti-
4 tution would place in the hands of the Court of Appeals
5 the right to strike down private lotteries, again whatever
6 they may be, not getting to the definition of lottery,
7 and I know a number of questions were directed to Judge
8 Sherbow on this point but he seemed to have a cork for
9 every hole and I never really got the clear intention of
10 the committee. Was it by this language, even though you
11 disagree with it, Mr. Dukes, and therefore I suppose your
12 views would be so much prejudiced, in your opinion would
13 the language of the majority if adopted by the Convention
14 and put into the Constitution, would it prohibit lotteries,
15 whatever lotteries are, lotteries conducted by private
16 groups as opposed to lotteries conducted by the State or
17 its political subdivisions or was this discussed at all in
18 your meetings?

19 DELEGATE CLARK: Delegate Dukes.

20 DELEGATE DUKES: We discussed generally the
21 area about which you questioned. My memory was not as good