

1839, a majority of their board informed their predecessors, that they had complied with the provisions of the law, and were ready to enter upon the duties of their office—and that Messrs. Stuart Hughes and Williams informed them, that on the 1st of March they would deliver up the books and office to them. That between that period and the 1st of March, to wit, on the 20th February, the last named commissioners received from Messrs. D. S. Gregory & Co. the sum of \$3,750 as the second instalment of the lottery contract, which was only due in advance the 1st of March. The present commissioners being advised that Messrs. Gregory & Co. the contractors with the State, were not authorised to make said payment, have instituted suit against them to recover back the same. The committee think that it would not be consistent with the dignity of the State, or of that good faith which she should carry out in her transactions, to insist upon the recovery of this money; it was paid by the contractors to the regularly appointed and bonded officers of the State, and if loss must accrue, it should to the State and not to the innocent contractors. But the committee are of the opinion that that sum and more, to wit: the sum \$3,817.50, can and ought to be recovered from the former lottery commissioners, being the excess of compensation which they, under a mistaken apprehension of their right to the same, have retained. They are gentlemen of high character, and your committee cannot doubt for a moment, but that they would cheerfully pay the same into the Treasury of the State, if the views of your committee should be sanctioned by the judicial tribunals of the country. With these views the committee would submit the annexed resolution.

All of which is respectfully submitted.

WILLIAM F. GILES,  
*Chairman.*

Resolved by the General Assembly of Maryland, That the present lottery commissioners be directed to dismiss the suit heretofore instituted by them against Messrs. D. S. Gregory & Co., and to institute suit in the name of the State, upon the bonds of Messrs. Stuart, Hughes and Williams, to recover the sum of three thousand eight hundred and seventeen dollars and fifty cents.