

REPORT.

The undersigned, one of the committee on Lotteries, presents, the following report, counter to the report of the majority.

The undersigned is satisfied that the adoption of the contract with Francis Morris and others, will lead to litigation, and without intending to express any opinion on the legal points involved in the controversy, he thinks it quite probable that such litigation will interfere with the revenue of the State, derived from this source, and may interfere with some, perhaps with many of the grants, now in the consolidated Lotteries. This is one consideration and one of some moment.

A stronger consideration, however is this. The persons who oppose this contract, start with the written offer that they will give *at least* as much, both to the State, and to the consolidated grants as this contract provides.

Those persons are persons of undoubted responsibility, so that the State cannot lose any thing, nor can the consolidated grants, by rejecting this contract.

Nor have the persons who are asking the affirmance of this contract any right to complain, if it is not ratified by the State. They will have a fair and equal chance with all others to bid; and will still get the contract, if their bid shall be the best. But as the State cannot *lose*, and may *gain* by offering a fair and equal chance to all, why should it confirm this conditional bargain. If an agent should make a conditional contract for another person and make it expressly *subject* to his approval, would it be approved in the face of a better offer. It would be unreasonable to expect it, and why should the Legislature where the State is concerned, act differently from what an individual would do in his own affairs.

But this is not all, although, I did not hear the argument of the counsel in opposition to the contract, yet I have learned from the documents in possession of the committee that fictitious schemes have been published by the present contractors and tickets sold in such fictitious schemes. On these tickets, nothing was paid to the use of the State, or to the use of the consolidated grants.

The tickets were frauds on the public, and frauds upon the State. Should this be tolerated? if it is to be tolerated, it shall not be so with my assent.