

discussing the matter of the lottery provision I made the statement, I reiterated it, answered it, and reanswered it, and I said that under the Constitution of Maryland that lottery did not, "n-o-t", include bingo.

I phrased it another way and said that bingo in the State of Maryland was not prohibited by lottery as lottery was prohibited in the Maryland Constitution. I told you of the decision of Judge Sache and Judge Evans in the Circuit Court of Anne Arundel County, and I told you there was a case pending.

I simply would like to tell you that the Court of Appeals today has affirmed the lower court, has handed down its decision in this situation, in an opinion by Chief Judge Hammond. The Court of Appeals has stated that bingo is not forbidden by our present lottery statutes. The Court said that bingo is not prohibited by the constitutional provision:

"The legislature has always considered the forms of gambling it permitted to be made legal in Anne Arundel County to be gambling games or in the nature of a gaming table, within the purview of the proscriptions of the Code grouped under the subtitle of article 27 entitled 'Gaming,' and has never considered those forms of gambling to be schemes in the nature of a lottery prohibited by or within the purview of the provisions of the Code grouped under the subtitle of article 27 entitled 'Lotteries.'"

If you will bear with me just one more minute, the Court of Appeals said in its opinion today: "Bingo, another name for the game called lotto in England (and sometimes keno in this country) is a game of fairly recent popularity." It goes on and tells us that the legislature has authorized bingo games in 14 more counties besides Baltimore City and Allegany County. "Nothing in this subtitle shall be construed to make it unlawful * * * to operate * * * a game of bingo. " * * * All lottery is a form of gambling but all gambling need not be legislatively considered to be or actually is lottery, and although some, perhaps many, gambling games, including machines and bingo, have elements of lottery, they have not been considered as coming or held to come within the purview of the lottery statutes. We think likewise that the legalization of the gambling games here involved was not forbidden by the command of Article III, section 36 of the Constitution of Maryland, that: 'No lottery grant shall ever hereafter be authorized by the General Assembly.'"

That is another way of saying what I told you when I said that the Constitution in its prohibition against lottery did not include bingo in that prohibition, and it only took two days for the Court of Appeals to decide that I was right.

I can tell you of other instances when they did not agree, and they took a longer time to say it.

DELEGATE DUKES: If we of the mournful had recognized that the judge had the Court of Appeals in his hip pocket, we would not have taken up your time.

(Laughter.)

THE CHAIRMAN: For what purpose does Delegate Ulrich rise?

DELEGATE ULRICH: For personal privilege.

THE CHAIRMAN: State the privilege.

DELEGATE ULRICH: If the magic number of the Convention is 72, we in the back row say "072".

(Laughter.)

THE CHAIRMAN: The matter now before the Committee is a consideration of Committee Recommendation S&E-2, under Debate Schedule No. 9.

The Chair recognizes Delegate Koss, Chairman of the Committee, and requests that she come forward to the reading desk.

Let the Chair announce now while Delegate Koss is coming forward that after the preliminary presentation by the Committee Chairman and after the presentation of Minority Report S&E-2(B) dealing with the voting age, which will be the first matter considered, before starting the debate on that question the Chair will indicate the manner in which amendments with respect to the voting age may be submitted and considered, so that there will be no doubt about it.

Everyone, therefore, please make it a point to be in the chamber at that time.

DELEGATE KOSS: Mr. Chairman.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Mr. Chairman and fellow delegates, before I start, I want to make it clear, and I assume this is the understanding of the Chair, that in presenting the Committee Report, the presentation at this point will be limited to section 1, and preceding the consideration of each section, the Committee Memorandum will be presented.