

1 Barnes said: "In the Constitutions of 1851 and 1864 and
2 1867 the prohibition is only upon the authorization by
3 the General Assembly of lottery grants" -- underlining
4 the words lottery grants -- "there is no constitutional
5 prohibition against traffic, or dealing in lottery
6 tickets or distribution of money by chance. This latter
7 prohibition is effected in part in Maryland by statute.
8 See Article 27, Section 356 of the Maryland Code."

9 Mr. Barnes at that time quoted from the
10 case of Phalen and Norris versus State and Felgill and
11 Johnson 18 in which the Court of Appeals held that
12 lottery grants in favor of Washington and St. Johns
13 Colleges by the Act of 1816 were exhausted when the
14 schemes were drawn even though all tickets were not sold
15 at that time. In the opinion Judge Dorsey refers to the
16 authorizations under the Act as "Lottery grants."

17 Mr. Barnes, at that time Mr. Barnes, now Judge Barnes,
18 said "There would seem to be no doubt of the meaning of
19 the phrase 'lottery grant' as used in the Constitutions
20 of 1851, 1864 and 1867."

21 He said "The Constitution does not prohibit