

State, than has been actually obtained,—the objectors having never up to this date, intimated to the committee, their willingness to give more than the present contractors have agreed to guarantee to the State.

Your committee, after an examination of all the acts of Assembly, relating so this subject, have come to the conclusion, that the law imposes only upon the Commissioners of Lotteries, the obligation to include in any contract, which they may make three stipulations: 1st. Payment of a certain sum for licenses, not less than 5,000 dollars. 2nd. The payment of 5 per cent. upon the sales of tickets, with the guaranty that such per centage shall not be less than 15,000 dollars; and 3rd. The payment of stamps on all tickets sold by the persons to whom such licenses are issued. The contract, now under consideration, contains each and all of these provisions, and the stipulation in regard to the per centage, is for the payment of 25,000 instead of 15,000 dollars, as required by law, and the contract contains the further stipulation, not required by law, that the stamps shall yield to the Treasury, at least 30,000 dollars.

It has been urged before the committee, that the per centage on sales required by the act of 1831, and the stamps on tickets prescribed by the Act of 1846, apply to sales made out of the State, and that a different construction has been given to the Acts of Assembly, by both parties to the contract.

If such were the construction of the laws, requiring the 5 per cent. and the stamps it would not have been necessary for the Commissioners, to insert their construction of the laws, into the contract. It is enough, that they have substantially used the language of the law in the contract, and such a course is the only safe one, in the opinion of the committee for public officers to pursue.

But the committee, are satisfied that the laws in question, were not meant to bear such a construction. The State of Maryland can grant no privileges, beyond its own borders, and though in every case, this limitation may not be expressed, it is always implied, this principle is sustained by Mr. Justice Story, in 1st Sumner's Reports, and the Supreme court of the United States, in the case of Cohens vs. the State of Virginia, in 6 Wheaton, have decided "that a grant by Congress to the Corporation of Washington of Lottery privileges did not look to their exercise beyond the District."

If a contrary construction was adopted, what would it involve? It is well known that in the greater part of the Union, indeed in almost the whole of its dealing in Lottery tickets, is either absolutely prohibited or restricted to such tickets as are issued by the authorities allowing their sale.

If our Legislation is to be held to take into view and stipulate as to sales of tickets wherever made beyond, as well as within our own territory, it will involve the State in the guilt of knowingly violating or sanctioning the violation of the laws of our sister States. No construction can be a sound one which draws