

after it, such consequences, nor will it avail to say that the State is not responsible for the illegal acts of its contractors. If it share with them in the gains made by their breach of the laws of the other States of the Union, under cover of its license, the crime will be none the less because it is covered up. What a State may not do directly, it should no more than an individual do indirectly.

The suggestion made in argument that the contract being made in Maryland, which is valued by the *lex loci contractus* will be good every where overlooks the fact, that in reference to the sale of tickets abroad, charged to have been made—that the place of the contract, in reference to such tickets, is wherever they have been sold, and if invalid there, can have no validity any where.

It only remains to consider whether the contract is vitiated by its connexion with the proceedings which have taken place in regard to the Carroll county grant.

That grant took effect in the year 1848, the original law making it (1846 ch. 242) having been confirmed at the subsequent session of the General Assembly (1847 ch. 971) at the time it went into operation the contract now in course of execution had been entered into and it was not therefore in the power of the commissioners of Lotteries under the 14th section of the grant to put it into the contract. But the grantees were not without remedy on this account.

They were vested with full power to sell tickets and draw schemes and it was a serious question whether that power was not exercisable even pending the contract then in force though that contract stipulated as all had done since the act of 1831, that the contractors should have the monopoly of schemes and sales for the period embraced in it. The present contract itself therefore was endangered as the monopoly guaranteed by it would have been destroyed had the grantees pressed their power.

In this State of things, it was in the opinion of the committee, the duty of the Lottery Commissioners to consider in what way, they could best surmount the dangers impending over the revenue of the State by reason of the lottery grant conferred by the act of 1846 chapter 242.

It appears to the committee, very clearly, that if the commissioners named in the Carroll county grant, had insisted upon exercising the privilege which it is admitted in argument was conferred upon them, to draw the scheme authorised by the act of 1846, that the contract under which the State for the last two years has received \$76,000, and from which for the current year she will receive the like sum would be annulled and the State would thereby not only loose the sum to be received for the current year, but would have imposed upon her the obligation to indemnify the contractors for all losses sustained by them in consequence of the violation of the contract on her part.

By the contract of November '47 with D. Paine & Co., the exclusive privilege was conferred upon them of drawing all Maryland Lotteries for *three* years from the first of December, 1847,