

of five per cent. The same principles which governed the decision of the committee in relation to the lottery for the benefit of the Surgical Institution, apply to the lottery now under consideration. And our committee, believing that this scheme of a lottery was not authorised by any existing law, can see no reason for exempting it from the ordinary tax.

If the legislature shall give their permission to proceed, when they have no right to do so without that permission, it is surely just that they should be subjected to the same conditions that are imposed on others. Your committee are by no means prepared to say that these lotteries have any just claim to the permission already given, in as much as the schemes, in the judgement of your committee, were proposed, and the lotteries got up, in direct violation of the existing laws. But as the legislature have already granted leave to draw these lotteries, it may not now be adviseable to recall it.

The third section of the law proposes to give permission to draw the third class of the Hospital Lottery and to exempt it also from the payment of the five per cent. By the act of 1808, the managers of the Medical Hospital Lottery were authorised to propose a scheme or schemes of a lottery or lotteries, for raising a sum of money not exceeding \$40,000. It will be perceived that this law limited the managers to the sum of \$40,000, and did not, as in the two cases above mentioned, permit them to exceed it in order to cover expenses. Under this law a scheme was proposed in 1810 for raising \$24,000, and the lottery drawn by the managers. It has been stated to your committee, that from the number of tickets unsold at the time the drawing commenced, the managers considered this lottery as being not only unproductive to the institution, but a real loss to a considerable amount. It appears to your committee, that one of the tickets remaining in the hands of the managers, drew a prize of \$25,000, which was applied to the benefit of the institution; if this sum is considered as a part of the profits of the lottery, it netted to the institution \$15,000; but it has been stated that this prize was considered as a donation from the managers, and it has been insisted by the gentlemen interested in this lottery, that this prize ought not to be considered as a part of the gain of the lottery. Your committee cannot perceive any reason, or any rule of calculation, by which the lottery should have been charged with the loss of all the unsold tickets that proved to be blanks, and denied the gain of this one unsold ticket which proved to be so profitable a prize. Your committee cannot doubt that this fortunate ticket ought to be considered as belonging to the institution, as fully and completely as those that came out blanks, and that the institution did therefore gain by this lottery \$15,000. In the year 1814 or 1815, another scheme of a lottery was proposed under the before mentioned act of 1808, called the second class. This scheme was sold for \$20,000, so that by these two classes \$35,000 was actually raised for the benefit of this institution. If the construction attempted to be put upon the laws authorising lotteries could be sustained, and the power given considered as executed only to the amount actually gained, clear of all expenses and deductions, yet no more than \$5,000 of the sum authorised by law remained to be raised after these two classes were drawn. Notwithstanding this, a third class has been promulgated under this same law, proposing to raise \$54,000; that is, \$14,000 more than the sum originally authorised. Your committee, under these circumstances, are of opinion, that permission ought not to be given to draw the third class of the Hospital Lottery. And it does not in this case satisfactorily appear to your committee that any contracts have been made for the sale of tickets, by which the managers could be subjected to any inconvenience or loss. In this respect the Surgical Institution Lottery, and the Medical College Lottery, differ from the one now under consideration. The permission given to the three other lotteries mentioned in the bill, to draw without delay, paying the tax of five per cent, appears to your committee to be reasonable and just, in as much as they have never exercised any part of the power given to them, and in two of them tickets have been already sold, and in the third the managers, on the faith of the money to be raised by this lottery, have purchased property to a large amount for useful public purposes, and would be subjected to great individual loss if the drawing of the lotteries were postponed. Your committee have therefore reported the bill with sundry amendments.

All of which are respectfully submitted.

By order,

T. J. BRICE, Clerk.

Which was read.

The bill, entitled, A supplement to the act, entitled, An act to regulate lotteries, was read the second, and by special order the third time, and will pass with the proposed amendments.

The senate adjourns until Monday morning 9 o'clock.

MONDAY, February 16, 1818.

The senate met. Present the same members as on Saturday. The proceedings of Saturday were read.

The several bills and resolutions acted on Saturday, were sent to the house of delegates by the clerk.

The engrossed bills from No. 167 to 171, Nos. 184 and 185, from 196 to 201, inclusive, were severally read, assented to, and sent to the house of delegates by the clerk.

The resolution in favour of Jehu Chandler, was read the second, and by special order the third time, and dissented from.

The bill, entitled, An act for the payment of the journal of accounts was read the second, and by special order the third time, passed, and sent to the house of delegates by the clerk.

BY THE SENATE. February 16, 1818.

Resolved by the general assembly of Maryland, that from and after the present session, no act shall pass upon any petition or application whatever, if of a private or personal nature, unless notice be given by the petitioner or applicant in some newspaper printed in the county where the petitioner or applicant resides, provided there is a newspaper published in such county, and if there is no newspaper published in said county, then by advertisement set up at the court-house door, and other public places, in the county where such petitioner or applicant resides, at least four weeks before, and within three months of the time when such petition or application shall be presented to the general assembly, that a petition is intended to be preferred, mentioning in such notice the substance of said petition, and that the said petitioner or applicant shall produce evidence of such notice to the general assembly at the time of presenting such petition.

Resolved, That the governor and council cause these resolutions to be published in all the newspapers of the state, and in such others as they may think best calculated to promote the objects of them.

By order,

R. HARWOOD, Clk.

The bill, entitled, An act to incorporate a company to build a bridge over Nanticoke river at or near Wrenna in Dorchester county, was read the third time, passed, and sent to the house of delegates by the clerk.