

was confided the power of approving or disapproving the bond they should give. The committee further report, that it appears by the memorial of the managers, laid before the general assembly, that the lottery in question commenced drawing on the seventh of April last, before any bond had been executed by them. On the 22d of the same month, a bond was executed by the managers, and afterwards lodged with the treasurer of the western shore, a copy of which bond is herewith reported marked A. but this bond was never approved by the treasurer. The managers however, without waiting for the decision of the treasurer, proceeded in the drawing of the lottery, and finished the same on the 28th of May last, as appears by their memorial. Although the managers had not given the bond at the time required by the law, although they had not waited as they were required to do for the approbation of the treasurer, although the bond was not conformable to the law authorising the drawing, yet the treasurer, with a lenity and liberality which your committee entirely approve, was willing to receive the tax due to the state, and did not insist on the penalty which the managers had incurred. But the managers, your committee regret to say after raising a question as to the amount of the tax actually due, finally refused to pay any thing, as appears by the copy of a letter from Richard Frisby Esq. one of the lottery commissioners, to the treasurer herewith reported, marked B. upon the receipt of that letter, suits were ordered by the treasurer, which are now pending. Your committee are persuaded, that the patronage of the state cannot properly be extended to any institution, conducting its concerns in open and wilful disobedience to the laws of the state. And it fully appears to the committee, that in this business the managers of the Surgical Institution Lottery have altogether disregarded the law of the last session, from which alone they derived their authority to draw this lottery. If the legislature have exceeded their powers in the enactment of the law to regulate lotteries, the managers have an unquestionable right to seek redress in the courts of justice; but when they have done so it would be proper for the legislature to leave them to the decision of the tribunals they themselves have selected. If they were not bound to pay the tax, the court will so decide; and in the event they will sustain no injury by the rejection of this bill, inasmuch as they retain the money in their own hands. But if they were bound to pay the tax, and have refused to do it, they ought to be prepared to meet the consequences. After the course pursued by the managers in this business, if the large donation asked for should be made, it would be calculated to bring the authority of the state into contempt among its citizens, and encourage others to imitate this example of disobedience, in the hope of compelling a like reward. It ought to be well understood by the public institutions of this state, that obedience to the laws is one of the conditions on which they receive the patronage of the state. Your committee therefore recommend that the bill in question be rejected. Your committee further beg leave to state that they delayed this report in consequence of information given to them that three of the managers of this lottery had purchased the scheme and drawn this lottery at their own risk. It gives the committee pleasure to be enabled to say, that from the proofs before them, they are fully satisfied that this report is entirely without foundation. All of which is respectfully submitted.

By order, T. J. BRICE, Clk.

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| Exhibit No. A. Amount sale of tickets in the second class of the Surgical Institution Lottery, | | \$360,000 |
| | 15 per cent. off is | 54,000 |
| | amount of prizes | \$306,000 |

Tax to the State of Maryland of 5 per cent. on \$306,000 is \$15,300

Know all men by these presents, That we, Samuel Hollingsworth, Henry Thompson, Lemuel Taylor, William Ballard, Henry Didier, jr. James L. Hawkins, William Gibson, jr. John Owen, Jesse Eichelberger, Lyde Goodwin, George Winchester, Dennis A. Smith, of the city of Baltimore, are held and firmly bound unto the State of Maryland, in the sum of thirty thousand six hundred dollars, to be paid to the said State of Maryland; for which payment, to be well and truly made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this twenty second day of April, in the year of our Lord one thousand eight hundred and eighty

Whereas the above bound Samuel Hollingsworth, Henry Thompson, Lemuel Taylor, William Ballard, Henry Didier, jr. James L. Hawkins, William Gibson, jr. John Owen, Jesse Eichelberger, Lyde Goodwin, George Winchester, Dennis A. Smith, have resolved, and are about to proceed to draw the second class or scheme of the Surgical Institution Lottery pursuant to the provisions of the act of the general assembly of this state, entitled "An act to regulate lotteries."

Now, the condition of this obligation is such, that if the said Samuel Hollingsworth, Henry Thompson, Lemuel Taylor, William Ballard, Henry Didier, jr. James L. Hawkins, William Gibson, jr. John Owen, Jesse Eichelberger, Lyde Goodwin, George Winchester, Dennis A. Smith, or either or any of them, their heirs, executors or administrators, shall well and truly pay unto the treasury of the said state the sum of five per centum on the net amount of each and all of the prizes that shall be drawn in the said lottery, within sixty days next after the drawing thereof shall have been completed, then the obligation shall be void, otherwise shall remain in full force.

Signed, sealed and delivered, in the presence of Samuel Winchester.

S. Hollingsworth, (Seal)
 Henry Thompson, (Seal)
 Lemuel Taylor, (Seal)
 Wm. Ballard, (Seal)
 H. Didier, jr. (Seal)
 James L. Hawkins, (Seal)
 William Gibson, jr. (Seal)
 Jno. Owen, (Seal)
 Jesse Eichelberger, (Seal)
 Lyde Goodwin, (Seal)
 Geo. Winchester, (Seal)
 D. A. Smith, (Seal)
 Geo. Winchester. (Seal)