

sel have been able to determine by diligent research, have ever suggested that bingo was not a lottery and those are the Howard County and Anne Arundel County Circuit Courts which avoided the conclusion pressed here by appellants by finding that bingo cannot be a lottery because it is a game. (E. 162-64, 115-19).

"Cases reaching an opposite conclusion as to bingo and bingo variants include the following: *State v. Multerer*, 234 Wisconsin, 50, 289 N. W. 600 (1940); *State v. Laven*, 270 Wisconsin, 574, 71 N. W. 2d 287 (1955); *State v. Mabrey*, 245 Iowa 428, 60 N. W. 2d 889 (1953); *State v. Randall*, 121 Oregon 545, 256P. 393 (1927); *State v. Hahn*, 105 Montana, 270, 72 P 2d 459 (1937); *Society of Good Neighbors v. Van Antwerp*, 324 Michigan 22, 36 N. W. 2d 308 (1949); *People v. Welch*, 269 Michigan 449, 257, N. W. 859, (1934); *Hoffman v. State*, 219 S. W. 2d 539 (Texas); *Nadin v. Starick*, 24 Ohio 2d 323, 194 N. E. 2d 81 (1963); *Kayden Industries v. Lefkowitz*, 259 N. Y. S. 2d 704 (1965).

"Appellees in this case have loaded the record (E. 8-40) with material describing and illustrating their particular bingo operations in minute detail. But the nature of bingo is not in dispute; all agree that patrons (1) pay cash for cards, (2) fill the cards according to a wholly chance — determined drawing of numbered balls, and (3) receive a cash prize if they make a winning assignment. These are the classic elements of lottery. *Horner v. U.S.*, 147 U.S. 449 (1893); *Shelton v. State*, 198 Maryland, 405, 84A.2d 76 (1951); *Ballock v. State*, 73 Maryland 1, 20A.184 (1890); *Long v. State*, 74 Maryland 565, 22A.4 (1891)."

Now, Mr. President, if bingo in the view of these appellants can be considered a lottery, no 50-50 chance can be excluded from it. No raffle conducted by a club can be excluded from a definition of lottery and therefore I hope that the motion to reconsider is carried so that we can put some definitions in here and say what is included and what is not included. I would like to be able to go out to the people of my area and say that this Convention has either prohibited or not prohibited so we might tell them what you are doing here. If you want to set moral standards go ahead and do it but I have to explain it to my people. My people may or may not accept it.

THE CHAIRMAN: Delegate Fornos.

DELEGATE FORNOS: Mr. Chairman, I speak in opposition to the vote to recon-

sider and I think that some of the people who are now taking the floor urging reconsideration are explaining Delegate Murray's question. What is inside the bag of apples is a bag of worms. I hope we would defeat this Trojan horse.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the motion to reconsider?

Delegate Carson.

DELEGATE CARSON: I voted in favor of Committee Recommendation SF-2 because I think it would be unwise to permit this State to engage in financing by lottery or to permit any political subdivisions to do so. That is as far as the constitutional ban should go. If reconsidered I shall then vote for the amendment proposed.

THE CHAIRMAN: Delegate Sickles.

DELEGATE SICKLES: I am opposed to the motion. I am theoretically one of the fathers of Amendment C, but I want to disown it at this point.

This was a secondary position for me and I hope for some of the others feeling that perhaps SF-2 ought to be adopted. I will vote against the motion to reconsider.

THE CHAIRMAN: Let the Chair say Amendment C distributed to you was distributed for information only. You are not to consider that it is or it will be offered by the delegates whose names appear. At least two of them, Delegates James and Sickles do not propose to offer the amendment. I do not know about the others. But at least they are not sponsoring it.

Delegate Malkus.

DELEGATE MALKUS: Mr. President, I know, sir, that just as soon as I start to speak that you will rule me out of order. But gambling is gambling and there is no difference whether you lose it on a lottery or whether you lose it on a horse. I know that horse racing controls a great part of the State of Maryland. But for this body to outlaw something as insignificant as a lottery and make no mention of the millions of dollars that are lost on bad horses is a reflection on the intelligence of this honorable body.

The fathers of this article here refer only to lottery. What does lottery mean? What will the courts say lottery means. No one here is smart enough to know what the courts are going to say. To a man who does not bet except to play a little gin rummy once in a while, I would like to see