

The Forum.

JANUARY, 1892.

SHALL THE LOTTERY'S CHARTER BE RENEWED ?

FROM one border to the other the State of Louisiana is in a ferment. Never in all its history, varied and exciting as that has been at times, has a contest been known in which the people have been so deeply and so universally aroused as they are now aroused by the question of the extension of the life of the Louisiana Lottery.

On one side is a band of lottery-gamblers grown very rich upon their nefarious business and willing to spend enormously for the perpetuation of their monopoly; and with them is every element of the population that is purchasable or controllable by considerations of a selfish character. Unfortunately they have also the countenance and support of many honest but misguided men who have convinced themselves that the State of Louisiana is sunk in the depth of poverty, and that she will be justified in licensing gambling on the same principle that the liquor traffic is laden with a tax for government support.

On the other side are arrayed all who are opposed as a matter of principle to gambling in any shape or under any circumstances, together with a larger number not so extreme in their views yet opposing this gambling institution as destructive of the best and dearest interests of the State.

The Louisiana Lottery Company had its origin during the dark days of Reconstruction. Its charter was obtained in 1868 (Act 25 of 1868, page 24), and the grant was for a period of twenty-five years, to date from January 1, 1869. At the time of the passage of this charter, Henry Clay Warmoth was sitting in the gubernatorial chair, Oscar

J. Dunn, a full-blooded negro, was lieutenant-governor, and Charles W. Lowell was speaker of the house of representatives. Henry Clay Warmoth did not sign the bill, but he did not veto it. He knew that the act would become a law within a prescribed time if not vetoed. Had he vetoed it, a two-thirds vote would have been required to pass the measure over his objection.

That the charter was obtained originally by means of bribery and corruption, no one in Louisiana denies. The Supreme Court of the State solemnly pronounced to that effect in discussing the evidence submitted to it, in the case of *C. C. Antoine vs. D. D. Smith et al.* (40, Louisiana Annotated Reports, 560). In the circuit court of the United States sitting in New Orleans two of the parties named in the charter, Wilder and Irwin, made formal oath to the same effect (*Henry Daponte vs. Louisiana Lottery Company et al.*).

In 1879 the legislature of Louisiana after a close and desperate contest abrogated the charter of the company, but a United States judge was found bold enough to stay by writ of injunction the operation of the repealing statute. During that same year a constitutional convention assembled in New Orleans to prepare and to submit to the people of Louisiana a new constitution. The white population had at last gained the full control of the State, and they chafed under the organic law in force which had been imposed upon them in 1868, when carpet-baggers and negroes were dominant. Before this constitutional assemblage the Lottery Company appeared, pleading that their charter was a contract protected by the constitution of the United States, and binding upon the conscience of the State. Some honest members were deceived into taking this view, influenced by the pretence that the Lottery Company had aided in securing the overthrow of the negro and alien domination. They were further misled by the promise that the monopoly-feature of the lottery's charter should be waived, and that at the expiration of the current charter-license there should be no more lottery-gambling in Louisiana. To satisfy this contingent, there was a formal declaration imbedded in the body of the proposed constitution, article 172, declaring gambling a vice, and commanding the legislature to enact laws for its suppression; and another formal clause, article 167, declaring that after January 1, 1895, all lotteries in Louisiana should be unlawful. Thus the Lottery Company pledged itself formally to renounce its monopoly, and provision was made for the licensing of rival companies, upon paying an equal bonus.

This contingent of the misled, added to the corrupt element upon the floor of that convention, succeeded in fixing in the proposed constitution an article ratifying the lottery charter, under the conditions stated; all which, however, was accomplished by a narrow majority. The opponents of the lottery desired to have this feature of the instrument submitted to the people separately from the rest, but, justly fearing its defeat before the voters, the friends of the company would not hear to the proposal. Thus it was that the people of Louisiana found themselves with no option, except as to the ordinance affecting the State debt, other than to adopt or to reject the constitution submitted to them as a whole. At that time the lottery was not the powerful institution which it has since grown to be. It was not known to the people in the full development of wickedness to which it has since attained. So it was that rather than reject a constitution admirable in other respects and one long hoped for, they ratified it as a whole. Thus, it will be perceived, the assertion is false that the people of Louisiana have ratified this iniquity by an overwhelming popular vote, as the Lottery Company has been advertising, now so many years, to the world.

The solemn contract entered into by the Lottery Company to abandon its monopoly has never been more than a paper-promise. While it is true that the corporation filed with the secretary of state a notarial renunciation, yet as a matter of fact it has seen to it that no rival company has ever been able to secure from the legislature a charter enabling it to enter the field. The retainers of this monopoly always affected the highest moral ideas whenever it came to dealing with applications for conflicting charters, bewailing the evils of all lotteries and protesting against their multiplication within the bounds of the State. Now, however, that there are chance and hope of freeing the State entirely from the lottery curse, these same individuals have, many of them, the effrontery to defend lotteries and to denounce as fanatics the people who stand for the very principles that they themselves hypocritically advanced and acted upon when it was to the interest of their master to preach such doctrine.

The opponents of the re-chartering of the Lottery Company rest their opposition upon very many grounds. In the first place, they protest against this attempt to secure a longer term for lottery-gambling in this State as a flagrant violation of the solemn covenant imbedded in the constitution; by reason of which covenant these men are in justice obligated to be satisfied with what they have acquired

during one term and to allow Louisiana now to be, as other States are, free from chartered gambling. Without such a compact, the Lottery Company would never have carried the day upon the floor of the constitutional convention of 1879; and, without the intervention of that body, the repealing statute of 1879 would have gone into force.

They consider that this act of bad faith on the part of the Lottery Company abundantly justifies the conviction that the true issue is not merely whether this company shall live among us during a quarter of a century longer; but whether Louisiana shall become forever a gamblers' State. They feel that, as now the Lottery is spending its money and using every effort to gain a new charter, so at the expiration of the second term, the parties now or then in interest will be still unwilling to surrender the advantage they have; and that, with accumulated wealth and increased power and influence, it will be theirs to command perpetuation of the license.

The anti-lottery citizens of Louisiana refuse to forget the very definitions of their dictionaries; refuse to recognize in Mr. John A. Morris, Mr. Albert Baldwin, Mr. John F. Herwig, Mr. P. B. S. Pinchback and the other lottery magnates other men than gamblers. On the contrary they consider them the worst type of gamesters, since they extend their operations so as to include within their compass our very women and children. They see no guarantee for the State, beyond the pledges of men who follow a nefarious business and conduct even that in a manner which the ordinary gambler considers as beyond the pale.

The proposition now before the people is one to engraft a lottery charter into the very fundamental law of our State, and this for a quarter of a century. It is, to say the least, a novel spectacle to behold a State consecrating in its very constitution a gambling license. The question of tolerating or prohibiting lotteries is essentially one of police. As such it should in all propriety be left open for succeeding legislatures to regulate and control. Here it is proposed actually to tie up the hands of the legislative branch of the government and in fact all other branches, so that, however grievous a nuisance this lottery may come to be, it cannot be abolished except by the difficult and tedious process of amending the constitution.

Other nations have established lotteries, but they have not surrendered all right to determine or to control, according to justice, the terms and conditions of the drawings. They have not abandoned the unfortunate player entirely to the hands of those establishing the

game. Gamblers are not a scrupulous kind, and no sentiment of justice or fairness towards their victims can be relied upon to restrain them in the conduction of their business. The law, if it vests them with the character of public agents or servants, should preserve control over them in the interest of the public. What would be said of a legislature which should yield into the hands of the common carriers of the State the absolute right of fixing to suit themselves tariffs for passenger or freight traffic, without remedy either from legislature or from the courts against extortion? What would be thought of a Commonwealth which should accord to an individual or to a single company the exclusive privilege of building and operating railways within its borders, and there stop, confiding all else to the indisputable control of the grantee? If the country would cry out against a grant of this character, even to men engaged in establishing and maintaining interests of undoubted utility, nay of such absolute necessity to the State as railroads, what should be said of a people willing in this outrageous manner to place a band of licensed gamblers above the reach and control of the public authority?

Startling as it may seem, just such is the condition of affairs in connection with the privilege proposed to be given in Louisiana to John A. Morris and his associates. So far as the State is concerned, the proposed amendment binds her tight and fast; so far as the proposed grantees are concerned, the matters are left to their largest discretion; and, all this in the face of the fact that it can be demonstrated from the very terms of the schemes advertised by the Lottery Company in our public journals, that its dealings with its patrons have all along been conducted upon lines of absolute robbery.

The ordinary gambler, conducting what is known as a banking game, satisfies himself with a percentage of the stakes won by players, amounting to, say, 15 per cent. Surely this of itself is a margin broad enough. It is an enormous profit to draw without risk or even outlay out of the money of other people. As to lotteries, about the same percentage to the conductors is what has been usual. But our Louisiana Lottery Corporation discounts in its own behalf the schedule-rate of the keno-shop: it sinks into insignificance the exactions of all other and preceding lotteries.

For verification of this charge of outrageous and shameless robbery advanced against Louisiana's gambling corporation, let us consider the published conditions of its monthly drawings. These drawings are advertised always with much rhetorical flourish. Not

satisfied with styling them "grand" they are proclaimed as "extraordinary;" and extraordinary they are in a plurality of senses. There are twelve of them every year, one for each month. Two of the twelve are proclaimed as having each a capital prize of \$600,000. The other ten are more modest, contenting themselves with capital prizes of only \$300,000 each. For the two drawings with the larger capital prizes there are 100,000 tickets issued, at \$40 each. In reality, since the tickets are divided into coupons at a dollar each, there are 4,000,000 tickets, upon no one of which is it possible to win more than \$15,000. The other way of putting it, however, sounds grander and proves consequently more delusive and enticing.

It is manifest that, if the company sells all its tickets for one of these semi-annual drawings, it takes into its coffers \$4,000,000, the money of other people. For the two drawings of this character, therefore, the proceeds of the sale of all tickets, if sold, must amount to the enormous sum of \$8,000,000.

The same number of whole tickets, 100,000, is issued for each of the remaining ten monthly drawings; but now the whole tickets are divided into twenty one-dollar coupons. The proceeds of these \$300,000 prize-drawings, if all tickets are sold, amount to \$2,000,000 each. For the ten, we have, therefore, the aggregate of \$20,000,000. It is seen by these figures that the company issues for its twelve monthly drawings tickets of the face value of \$28,000,000.

The advertised lists of prizes in connection with these drawings are as follows: For the two, with capital prizes of \$600,000 each, 3,144 prizes, aggregating \$2,109,600. For the ten other drawings there are for each 3,143 prizes of a total value for each drawing of \$1,054,800. We have now the figures necessary to comprehend the scheme, as follows:

Face value of tickets, twelve drawings.....	\$28,000,000
Total of prizes, twelve drawings	<u>14,767,200</u>
Remainder, representing gross profits.....	\$13,232,800

It is doubtless true that all tickets issued are not sold; but this does not affect the dishonesty of the general rate. So, the unsold tickets are placed in the wheel, with the sold, and the company is the beneficiary of the winnings upon them.

The meaning of this is, that the company would sell tickets to the value of \$28,000,000 and collect the same; generously refund to a comparatively small number of winners less than \$15,000,000, and

appropriate to themselves more than \$13,000,000. In other words this company takes a trifle less than 47 per cent for themselves, a trifle more than 53 per cent for the limited band of winners. This is as near to an appropriation of one half as these men dared to venture. The daily drawings, the scheme which fleeces the miserably poor, are cast in a still more dishonest mould. And it is to individuals who have been exploiting the public at such a rate that the proposed constitutional amendment proposes to leave all discretion and control over the regulation of the plans of drawing and the manner of conducting the business.

The figures given above serve to make clear another objection which is being urged against the re-chartering of the Louisiana Lottery Company, and that is that it is dishonest; in plainer language, that it is legalized robbery. If Louisiana must have chartered and monopolistic gambling, at all events she should have the decency to provide for something having at least the semblance of honesty.

We contend that, while submitting individual purchasers of tickets to the monstrous exactions of this lottery monopoly, the proposed amendment does the grossest injustice to the State itself. We have seen that we are dealing with a business enormously profitable, one bringing in millions annually without risk and without labor. Now, upon what foundation does this money-coining business rest? What does the favored corporation contribute? And what comes from the State? All that the former contributes is a certain gray building on Saint-Charles street in the city of New Orleans, a lottery-wheel of the most recently approved fashion, some office furniture and general paraphernalia. A few tens of thousands of dollars will cover it all. The true capital, if such it can be designated, is the franchise and the monopoly, with police protection to back all; and these things the State alone does or can furnish. John A. Morris and all his associates might be in an instant obliterated; new managers might be placed in charge, and the lottery would go on without disturbance. It ought to be plain that, if Louisiana be as poverty-stricken as it is pretended that she is, she ought to the best advantage to dispose of the franchise which was hers. If she stands in such crying need of a million and a quarter a year, how much more relief would she derive from the many millions which the grantees in the case expect to realize every year? How many levees could she build, how many schools establish, how many charitable institutions rear and maintain, did she command Morris & Company to be satisfied with what

they have, and herself conduct the gambling concern for the future, all for her own profit?

But it is calumny to depict Louisiana as a beggar-State. She has a rich soil and a genial climate. Compared to Mississippi, her neighbor, she produces a cotton crop not greatly less and she has further, what Mississippi has not, a sugar crop, a rice crop, and within her borders a great and wealthy city.

But, if honorable legislators were so sensitive about Louisiana's honor as to draw distinctions between partnership in a gambling business on the one hand, and being principal on the other, what was in the way of opening the entire matter to competitive bidding? Is Mr. John A. Morris, not to mention his silent partners, the only man in all the world to appreciate the value of a money-mill of this kind? Are there no capitalists in this country or in Europe who would be delighted to acquire such a "bonanza" as this monopolistic lottery license from the only American State base enough to charter vice and extortion?

Not only did the Legislature of Louisiana which submitted the proposed amendment to the people not invite competition and rival bids; but, when Newgass, scenting the bait from afar, telegraphed his offer across the ocean, raising the bid of Morris by \$250,000, the body of the lottery cohort upon the legislative floor stood ready to accept the lower offer of John A. Morris. It was only the objection of Mr. Lawton, of New Orleans, to the acceptance of a lower bid in the very face of a higher one, together with the necessity in which they stood of having Lawton's vote and with it to close out the matter, that raised the Morris bid to an equal sum with the uninvited and unexpected bid of Newgass. And having thus closed up again their wavering ranks, the matter was speedily pushed through, under the terror no doubt of other and higher bids coming in upon them.

While upon this subject of the action of the Legislature in question, it is in order to mention that, during the course of the struggle over the measure, one of the most respected of Louisiana's State senators, the Hon. Murphy J. Foster, of Saint Mary, called attention to grave charges of bribery and corruption as being employed by the Lottery Company and its agents, and demanded an investigation. An honest legislative body would have heeded such a challenge, and been anxious to bring the guilty to justice, or at least to vindicate the good name of the body. Startling as it may seem, the majority practically confessed judgment upon the charges by refusing an investigation.

Other features connected with the history of the last session of the Louisiana Legislature go toward justifying the charge which opponents of the lottery make, that the necessary majority was completed by the purchase of legislators. Certainly a legislature, dealing with such a matter as the disposition of a franchise of this character, should be placed in a position to know the value of what was to be disposed of, so as to be able to judge whether its value was offered. The Louisiana Lottery Company is a chartered corporation, and the constitution of the State requires all such chartered corporations to keep certain books open to public and interested inspection. Whether such a clause were in force or not, a corporation chartered by statute and conducting what is in the nature of a public business is always subject to legislative investigation. The only true method of ascertaining the value of this particular franchise was by investigating the profits it had been realizing in the past. But the legislative majority would listen to nothing calculated to be so disquieting to their friends as this.

Indeed the future historian, when he studies the minutes of the two Houses of the Louisiana Legislature during its last session, will wonder whether it was not a mistake to suppose that a number of its members had taken an oath in behalf of the State and people for a faithful discharge of duty; and whether, in fact, the oaths taken were not in the behalf of John A. Morris and his associates.

This leads to another consideration advanced by the anti-lottery citizens of Louisiana against the perpetuation of the life of this company. The highest judicial authority has decided that a charter of this kind cannot fall within the protection of the federal constitution, in so far as that instrument guarantees contracts from impairment. The toleration, or a suppression, of gambling is and always must remain a matter of police power. No one legislature can tie up the hands of succeeding ones in anything pertaining to the regulation of the morals of a commonwealth. Therefore, the Louisiana Lottery Company can never find safety against the exertions of the honest citizens of the State who have sworn unending war against it, except by maintaining control over successive legislative bodies and over the judicial and executive officers of the State. Its most potent agency to such an end is bribery and corrupt combination; and we feel that to perpetuate the lottery in Louisiana is to give to the State a series of venal legislatures and venal executive officers, with a complaisant judiciary. We feel that it is to surrender the politics of our

Commonwealth into the hands of this rich and unscrupulous gambling corporation, to close the avenues of political, and indeed of all, preferment against those unwilling to wear the lottery-collar upon their necks.

We object further to selling the honor and fair fame of our State for a price. We are well aware that the general sense of the civilized world is against lottery-gambling and above all against such gambling legalized and indorsed by government sanction. We are unwilling that Louisiana should be of all the States the only one to accept a bribe in order to constitute herself the Monaco of the American Union. We are well aware that no more grievous stain can rest upon the manhood of a commonwealth, than that its citizens should be so degraded as to be unwilling to support its government by the usual honest methods, relying instead upon gambling, and that, to a great extent, with women and children.

The Lottery Company proclaims that the great bulk of its earnings comes from other States; and this is advanced as a conclusive reason why Louisianians should be enamored of it. Were this strictly true, they insult our sense of common honesty most shamefully, by supposing us ready to hold honor and virtue to be matters of mere geography. Moreover, we of Louisiana are greatly interested in the protection of our alluvial lands against the floods which the Mississippi brings down upon us from the entire surface of the great Mississippi Valley. We consider that the States whose drainage comes past our doors are in justice bound to assist us in handling the vast volume of water sent down upon us. The fair-minded people of the country are coming to recognize our claim in this regard and are aiding us already substantially from the national treasury with every prospect of sooner or later making the maintenance of our levees a matter of federal care. But if the people of Louisiana accept the pirate logic proposed to them, need they expect the outraged and plundered States, north, south, east, and west, to add to the sum of our robberies, money voted by themselves from the national coffers, for the building and keeping up of our levees? Fine business this, to cast away the millions which the national government may be expected to give for the few hundreds of thousands which this corporation promises! But it is not true that our sister States will tolerate the violation of their laws and the spoliation of their citizens by this company; and it is true, that the lottery will have to look hereafter to Louisiana for the greater portion of its gains. It will multiply its

offices throughout the State, especially those wherein tickets for the daily drawing are on sale. In time every town and village of Louisiana and every cross-roads within reach of the telegraph will be made to pay toll of this character; and our State will turn into the coffers of this company very, very many times more than it returns. As it is, it is highly probable that the lottery subtracts from the pockets of our own people \$4,000,000 annually; and the promise to return less than a third of that sum is considered by some to be a good bargain.

One noticeable feature of the pending contest is the fact that the small tradesmen seem in a majority against the lottery. They are so for another business reason which has been advanced in the course of discussion. The millions which find their way into the lottery treasury is money extracted principally from the channels of legitimate trade. The workingman who receives fifty or sixty dollars or thereabouts every month has a place in which to lay every one of the dollars coming to him. If, out of the sum received, he or his wife squander five, or seven, dollars monthly in lottery gambling, either the landlord, the butcher, the baker, the clothier, or the shoe-merchant has to suffer. This same consideration has broader application, and applies at second-hand to the larger dealer; and so also it affects the mechanic and the laborer, since it decreases the capacity of the community to employ. Opponents of the lottery maintain that the State would profit more by leaving all this money in honest circulation, so as to improve the condition of individuals and promote trade, than by having it appropriated in the way it is now appropriated simply that a fraction of it may be refunded to the State treasury.

The strongest objection of all, however, is the one of immediate morals. The State is organized to suppress crime. When it reverses this order and constitutes itself the guardian and the promoter of vice, it is violating the sacred trust confided to it. What would be said of a government which should place robbery or assassination under toll and license a corporation with full authority to plunder or to kill? They attempt an answer to this by pretending that gambling cannot be prevented, and that therefore it should be regulated and made to contribute to the needs of the State. What vice is there in all the catalogue that can be entirely extirpated? Despite all laws, despite juries, jails, and even the gallows, is there not a succession of homicides? But numerous as such killings are, what would be the fearful total were the State to cease all efforts at suppression; and, worse still, were she to abet and foster crime of this atrocious character?

Who would think of demanding that the federal government withdraw its cutters from the seas, and discharge its force of revenue officers on the plea that smuggling can never be entirely prevented? Strange that men can see no difference between a state of things whereunder a few surreptitious lottery pedlers sell by stealth, and a state of things whereunder we have to tremble for the law, and the community is poisoned with open lottery shops, and the lanes and streets are flooded with an army of brazen and persistent ticket venders!

Even were it a hopeless task for a government to repress crime, that furnishes no honest reason why it should take it into open official favor, and become a confessed partner in its practice. The ultimate foundation of peace and good order is individual morality. No law can check vice among a people wholly abandoned to its practice. Of what avail are statutes against robbery among a population living by plunder? What more potent agency in the way of maintaining individual virtue than pure public opinion? A community will preserve its morals so long as vice is feared and despised. The moment it loses the dread and the hatred of wrong-doing, that moment does vice come into the ascendancy. What sort of political economy is it which boldly counteracts the teaching of our firesides, that gambling is a vice to be abominated and shunned? How shall the rising generations be induced to contemn and fear this most insidious of temptations, when the State holds it constantly before them as the one great benefactor of the Commonwealth? How shall our children despise the gambler who is providing for their education, rearing the levees which keep out the floods, and supporting hospitals and asylums for orphans and the insane?

As it is, we are surrounded by visible evidences of the demoralization already accomplished among our people. We have a horror and great dread for the progressive consequences which must flow from twenty-five years more of this hideous trade, this systematic debauching of a people according to the latest and most improved of business methods. Already our servant girls are becoming in considerable numbers practised and habitual thieves, putting our market baskets under daily toll for lottery money. The number of defalcations large and petty is multiplying. The number of lottery offices has multiplied, and the roll of their habitual customers is growing steadily. Saddest of all, this roll numbers a multitude of women and of children, the latter including those of tender years. Your lottery

vender has no compunctions, nothing in the shape of commiseration. He will hand out the ticket to the poor starved woman, though he must guess that the twenty-five cents handed to him in return is taken from the scanty table of herself and children. He will write out the combination for the servant girl though he be aware that the nickels she hands him are filched from the money intrusted to her for the purchase of food for her employer. He will smile a treacherous smile into the childish face of the toddling infant, who gives him the cents got for other and better purposes and laying at the same time the foundations of future ruin for itself.

There are fathers of families in Louisiana who are laboring for the perpetuation of this horror among us. They answer our indignant protests with the scurvy plea, among others, that the lottery compels no one to purchase tickets and that it has never done them any damage. What alluring vice is there which cast ropes about the necks of its victims and drags them into its dens? Many of these men who indulge in bad logic of this kind have the hardihood to pray to Almighty God daily to lead them not into temptation. This prayer is intended for themselves, their wives and children. And yet, when it comes their own turn to close the hell-holes in the shape of lottery shops which are at almost every corner leading the wives and children of others astray, they have deaf ears. Worse, far worse, they actually contemplate voting to maintain these soul-traps. A case is reported of a father who was among the number of those who argued in this way, defending the lottery. A sudden and shocking revelation awaited him: he discovered that his own son had been stealing from him to play lottery. Then when the iron was within his own soul he appreciated the brutal criminality of this plea and became a determined enemy to the lottery amendment.

The opponents of the lottery are hopeful of success. They refuse to believe that the majority of the people of Louisiana will be willing, now that the issue is better understood, to sell the honor and fair name of their State; to surrender their individual liberties into the hands of a horde of gamblers; to debauch for money the morals of men, women, and children; to have within their borders an enduring carnival of crime. Should, however, the result be different, we put our trust in the people of the other States, asking them to wage war for us upon this deadly and potent evil until it is at last exterminated. The honor of Louisiana is to an extent the honor of the entire Union: the welfare and purity of one State is a matter of vital interest to all

the States. A vigorous enforcement of existing postal laws bearing against all lotteries, supplemented by other legislation closing to them the express service, will go far toward protecting the other States against a corporation which is a confessed pirate, a wilful violator of every law. But it may serve at the same time to turn the greed and ingenuity of the company more strongly against the fortunes and the morals of our own people. The only sure remedy, in case of the final loss of the anti-lottery cause in Louisiana, is the passage according to rule of an amendment to the Constitution of the United States, prohibiting the States from establishing lotteries, and making it penal under Federal law to conduct a gambling game of this character. It is true that it is not a wise policy to amend the constitution upon slight occasion. But, when we find an evil grown too strong for State control, and capable of reducing a sovereign Commonwealth into ignoble bondage, and actually accomplishing that end, the necessity is overwhelming for the forceful arm of the General Government to intervene. There is, as well, a community of peril among the States; for, what is sought to be done in Louisiana was attempted very recently in North Dakota. No State can be certain that this same corporation, or some other combination of gamblers emulating their example, will not attempt to fasten itself in the same fashion upon it. What has been done may be done again; and flesh and blood are much the same in one quarter of the Union as in another. As a last resort, the people of Louisiana battling against this evil will look forward to this relief against the dire consequences of defeat.

FRANK MCGLOIN.

THE LOUISIANA LOTTERY: A HISTORY OF THE COMPANY.

THE Louisiana State Lottery Company was chartered by an act of the Louisiana legislature on August 11, 1868, the act becoming a law without the approval of the governor who permitted the ten days to pass without vetoing it.

The persons named as incorporators were Robert Bloomer, Jesse R. Irwin, John Considine, Charles H. Murray, F. F. Wilder, C. T. Howard, and Philip N. Luckett. John A. Morris subsequently acquired the interest of some of the others—how it is not definitely known; but there is now pending in the city of New York a suit against him by one Z. E. Simmons in which the story is told. The case of Ben. Wood and others against Morris and others which was filed in New York also will throw some light on it. This last-named suit was dismissed on the exception or demurrer of Morris that lottery gambling was contrary to good morals and public policy and could not be adjudicated upon by a court of justice.

By the terms of the act the lottery was to "be and continue for and during the term of twenty-five years from the first day of January, 1869." This would make the charter expire on December 31, 1893. The lottery company existed under this charter until the session of the legislature in 1878, when the act was repealed and the charter destroyed.

The lottery company disregarded this repealing act, claiming that its charter was a contract with the State which could not be repealed, and immediately went to work for a constitutional convention, which it succeeded in having called.

That convention met in 1879 and proceeded to put the lottery in the constitution of the State and to recognize its charter as a contract binding upon the State for the period therein specified. In this it succeeded by its usual majority of one, and by the aid of the solid negro vote in the convention. The lottery company was required to file a paper with the secretary of state surrendering its monopoly feature, as well as to pay money to the State each year for the benefit of