

printed Documents] it is also seen, that from the moneys out of which their payment into the Treasury was made on the 30th of November 1838, they deducted and retained their own compensation to an amount of \$2,000 each. That compensation was received by them in sums at different times, from the 2d Dec. 1837, to the 6th of March 1838 inclusive. And in another statement, dated 1st March 1839, accompanying the same communication it appears that the same commissioners retained between the 20th of November 1838 and the 1st of March 1839, a further compensation amounting to \$5,317 50, or the sum of \$1,772 50 each.

According to the minutes of Executive proceedings in the Secretary of State's office, the Bonds of a majority of the commissioners who were appointed on the 27th of January 1838, were approved by the Executive on the 21st of February 1838; and their lawful authority to act, continued from that time only until the 18th of February 1839; for as has been already shown, a majority of the commissioners who were appointed to succeed them had "bonded and qualified" as early as the 18th of February 1839.

The compensation being limited by law, not to exceed \$2,000 in any one year, were the late commissioners lawfully entitled to the sums \$2,000 and \$1,772 50, or \$3,772 50 each, which they have retained?

In the opinion of the undersigned, they were not, and to sustain that opinion a simple reference to several acts relating to Lotteries might be deemed sufficient.

The second section of the act of 1831, chapter 71, says that certain provisions of that act shall not be construed to modify any law, except in behalf of any person licensed as therein before provided: the sixth section limits the compensation of each commissioner at 10 per centum but to exceed \$1,000 upon the amount "raised by the Lottery system."

The second section of the act of 1821, chapter 191, authorizes the commissioners to devise schemes of Lotteries annually to be drawn in the City of Baltimore; the sixth section of the same act provides that the yearly salaries to be paid to the commissioners shall be paid out of the net proceeds of the Lotteries hereby authorized.

The act of 1825, ch. 210, allows the commissioners to receive a salary quarterly, and prescribes that the per centage shall be "upon the net proceeds of the State Lotteries" so far as the said net proceeds shall exceed a certain sum in the year, counting from the 30th of November in each year, and beginning from the 30th of November 1825.

If there could be any doubt as to the exclusive fund out of which the Commissioners of Lotteries were to receive their entire compensation, it would seem to be fully removed by the express terms of the 2d and 3d sections of the act of 1817, chapter 151, which are to this effect: the managers of all lotteries that should thereafter be drawn in this State were required to deduct from all prizes in said Lotteries five per centum, in addition to the deduction provided for by the