

REPORT.

The report of the undersigned, being four members of the Joint Committee heretofore appointed to examine into the Lottery Contract, &c.

The undersigned beg leave to

REPORT:

That they have carefully examined the subject confided to them, and that the Committee, as a whole, were unable to come to any united determination. They feel bound to make this statement, because it appears that an error has been committed in a report made to the Senate, by representing the report there made as the report of the Committee. The report made to the Senate was a report of four members only of that Committee, and not of a majority. The undersigned, constituting one-half of the Joint Committee, did not concur with the four members of it who have reported to the Senate; and if the undersigned cannot assume, as they do not assume, to be the majority of the Committee, neither can those who dissent from them claim to be anything more than what they are, or to express any more than their own opinions.

The only question submitted to the Committee by the four members who have assumed to act for it was, that the contract now in existence was unconstitutional, illegal and irregular.

To the question so submitted the undersigned address themselves, as being, in brief, the subject confided to the Committee.

The 7th Article of the Constitution, in its 5th section, expresses the will of the people of Maryland on the subject of the extinction of Lotteries in this State. They were not willing to leave this subject where it had been before, in the hands of the Legislature. They not only forbade their Representatives the permission to grant any Lottery privileges after the first day of April 1859, but they went further. During the intervening time they provided for the existence of a Commissioner of Lotteries, defined his powers and determined under what sanctions those powers should be exercised. The whole matter, therefore, has been by the people settled for themselves without legislative intervention, past or future. Whatever, therefore, is the true meaning of the Constitution, will ascertain the extent of the powers of Lottery Commissioner in regard to the contract; and it is useless to enquire into what may have been the state of his powers anterior to the Constitution. If the powers given by the Constitution are