

reached by one contract as well as several. The work is not necessarily to be done by two, three or more contracts. One may and will be sufficient for the purpose. If then one contract may extinguish the Lottery system, it can be the work of only one Commissioner. It is absurd to suppose, that after the end has been accomplished by one contract made by one Commissioner, any further power can remain in his successors. But if one Lottery Commissioner does not accomplish the whole work, all that is unaccomplished remains to be done by his successors. Hence the meaning of the expression "the several Lottery Commissioners." Because one did not, or could not do the whole work, it was not to fail for that reason. Those who followed were to take up the work where he left it, and carry it on to accomplishment. But it is idle to suppose, that because succeeding Lottery Commissioners were invested with authority to perform what was left unfulfilled by those who preceded them, therefore that power was to be exercised where there was no necessity for it, and the work had been already done. It must always be borne in mind, that powers are given to effect an end, and must be construed accordingly. Where an end is gained, there is no necessity for further exercise of power—not so where something still remains to be accomplished.

To put this, if possible, in a still clearer point of view, suppose that the present contract had extinguished the grants within the term of the first Lottery Commissioner, which it might have done, if the contractor had been willing to pay in two years what he is to pay in seven, can there be a doubt that such an exercise of power would have been perfectly legitimate? It is idle to argue such a point—but if this pass, what then becomes of any argument derived from the words "the several Lottery Commissioners?" If there is nothing left for "the several Lottery Commissioners" to do, what pretence is there for the exercise of any power? This view itself, apart from any other, shews conclusively that in those words the people of the State meant thereby to authorize succeeding Lottery Commissioners to exercise every power necessary to do what, if any, then remained to be done, and to deny them any power, which was useless to the end in view.

The undersigned will further take leave to say, that they are not only satisfied of the constitutionality, legality and regularity of the contract, but of its great expediency and necessity. The only absolutely certain way of constitutionally extinguishing the Lottery system, was to make a contract running through the whole time. If the task had been attempted to be accomplished by dribblets, the undersigned believe that it would be matter of great doubt, whether in the closing years, and particularly the last year of the term, it would be possible to make a contract upon the terms presented by the Constitution.