

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 the same with the pre-existent powers of the Commissioner, there is no ground for any examination as to a conflict between them; and if there be a conflict, the Constitution, as the supreme law of the land, must override all previous legislation, as is expressed in the 3rd Article of the Bill of Rights.

Coming then to the consideration of the constitutional article, which is the sole foundation of any authority for the present contract, the undersigned find, that whatever powers it gives are given as means to an end. What is that end? Two-fold, *first* to extinguish all existing Lottery grants before the first day of April 1859; and *second*, to secure to the State a clear yearly revenue equal to the average amount derived by the State from the system for the preceding five years.

Now, whatever else may be disputed this cannot be controverted, that the present contract does secure both the ends which the Constitution aimed at. It *does* secure the cessation of the system by the time designated. It *does* secure the State the revenue stipulated; nay, it *does* more in regard to the revenue.