

It yields to the State four thousand dollars more each year than was required, and it was, no doubt, in view of the fact that every object contemplated by the people of Maryland in the organic law was accomplished, and more than accomplished, by the contract, that it received the unhesitating approval of the two officers designated by the Constitution, to wit, the Comptroller and Treasurer. It occurs to the undersigned, in this connection, that it may be a subject of considerable doubt, whether, after an approval of these officers, it is competent for any one to litigate the legality of the contract. Whatever doubts have been expressed as to the power of the Lottery Commissioner, there can be none as to those of the Comptroller and Treasurer. If they have approved, what other jurisdiction has been designated by the Constitution for the supervision of the exercise of his powers by the Commissioner of Lotteries? Where the instrument itself selects the authority which is to act upon and ratify or reject the proceedings of the Commissioner, the undersigned think their action must be conclusive.

Passing this by, however, as an incidental consideration, the undersigned repeat, that the contract in question, beyond all doubt, carries out fully the expressed purpose and aim of the Constitution. Now, it must be supposed, that with an aim before them, the people have given the powers necessary to effectuate it, and when we find that it is effectuated, the conclusion is almost instantly arrived at, that the power, which has accomplished the end proposed, must have been conferred.

Upon examination of the 5th Article of the 7th section, the undersigned find this conclusion corroborated. It authorizes the several Lottery Commissioners to make a contract or contracts for accomplishing the desired result. The result then may be 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