

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. 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