

Mr. KING submitted the following amendment:

Line fourth, after the word "annum," insert the words "the legislature shall pass no laws whereby he shall receive any perquisites or be allowed an assistant."

Mr. KING said: The gentleman from Baltimore city (Mr. Daniel) said yesterday that he was satisfied that the librarian received no perquisites whatever, because he had it from the authority of the gentleman himself. Now I wish to explain to what I referred. In the laws of 1864, chapter 377, pages 543 and 544, will be found the following appropriations:

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| For the expense of distributing bound copies of Maryland reports to the clerks and registers of wills of this State..... | \$50 00 |
| For the expense of distributing copies of Mayer's Digest, subscribed for by resolution of this general assembly | 50 00 |
| To the librarian for compensation, in pursuance of resolution number 12, of 1833..... | 75 00 |
| For distributing bound copies of the laws, journals, and public documents of the present session to the clerks and registers of wills of this State, and to the governors of the several States.. | 150 00 |
| Making in all a compensation of... | \$325 00 |

Turning to the code I find the law defining the duties of the librarian; and among his duties I find the very things for which he has here charged \$325; making in all by the new constitution \$2,425. On page 377 of the code I find the following:

"He shall have bound the laws, journals, and documents of the general assembly, and shall distribute and forward the same when bound under the directions of the governor to the persons entitled by law to receive the same," that is to say, and the law proceeds to enumerate the persons entitled to receive them.

The PRESIDENT. The legislature made a specific appropriation in 1864, as under preceding laws; and of course the comptroller was bound to follow the laws.

Mr. MILLER. The gentleman from Baltimore county (Mr. King) is certainly right in saying that these sums were paid for performing duties which the law imposes upon the librarian as such.

Mr. FARROW. I understand from the librarian that this appropriation was for the freight and incidental expenses of the distribution of those volumes.

The PRESIDENT. The gentleman is mistaken. The gentleman from Baltimore county is correct. The legislature appropriates so much money for the distribution of digests, so much

for the distribution of laws and documents, and so much for stationery.

Mr. KING. And these are part of the duties of the librarian for which he is not entitled to any compensation other than his salary.

The PRESIDENT. Such has been the construction put upon it by former comptrollers; that when the legislature chooses to give it by a specific appropriation, the comptroller cannot refuse to pay it.

Mr. KING. Of course the comptroller must pay it.

Mr. DANIEL. That does not at all alter what I said yesterday. I said there were no perquisites. If the legislature chooses to make an appropriation for his services, that is not a perquisite of the office. There are really no perquisites to the office. The fixing of this salary at \$1,500 was intended to be in lieu of everything else. What the gentleman has said is an argument in favor of the increase of the salary, because it shows that not only the salary of \$1,000 has been given to the librarian by the constitution, but that legislatures heretofore have thought that that was not sufficient, and to supply this have awarded him some \$300 or \$400 more, coming up to about the amount we propose to give him. We propose to give him \$1,500, in lieu of everything else; whereas, it now appears that what the legislature has given him in addition to his salary for his services, amounts to very nearly that same sum. There are no perquisites to the office. What the legislature chooses to give as an additional endowment for particular services, certainly is not a perquisite. We propose to give \$1,500; which, certainly, in view of the services rendered and the cost of living, is little enough.

Mr. MILLER. My friend from Baltimore county is perfectly right in his construction of the matter; and I think his amendment, or something like it, ought to be adopted. The old constitution gave the librarian a salary of \$1,000 per annum, and said "he shall perform such duties as are now or may hereafter be prescribed by law." As librarian he was to perform these duties; and his salary was fixed at \$1,000 per annum. Yet the legislature, from year to year—although the law had assigned it as a part of his duty that these volumes shall be distributed, the laws, journals and documents—although it was his duty under the constitution to do that as State librarian—has appropriated sums amounting in the last session to \$325 for performing these things which, under the constitution, it was his duty to perform as librarian for the salary fixed in the constitution. By this section we increase his salary from \$1,000 to \$1,500; making an addition of \$500. I think a provision prohibiting the legislature from making appropriations for extra compensation for duties which are imposed upon him under existing laws, ought to be adopted.