

ARTICLE VI.

TREASURY DEPARTMENT.

Section 1. There shall be a Treasury Department, consisting of a Comptroller chosen by the qualified electors of the State, at each general election at which the Governor is chosen, who shall receive such salary as may be fixed by law; and a Treasurer, to be appointed by the two Houses of the Legislature, at each regular session thereof, in which begins the term of the Governor, on joint ballot, who shall receive an annual salary of two thousand five hundred dollars; and the terms of office of the said Comptroller and Treasurer shall be for four years, and until their successors shall qualify; and neither of the said officers shall be allowed, or receive any fees, commissions or perquisites of any kind in addition to his salary for the performance of any duty or services whatsoever. In case of a vacancy in either of the offices by death or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy by appointment, to continue until another election or a choice by the Legislature, as the case may be, and until the qualification of the successor. The Comptroller and the Treasurer shall keep their offices at the seat of government, and shall take such oath, and enter into such bonds for the faithful discharge of their duties as are now, or may hereafter be prescribed by law.¹

This section referred to in holding that where a treasurer was re-elected in January, 1888, but failed to take the oath required by art. 1, sec. 6, and to give the bond required by this section until November, 1889, his original bond was liable for his defalcations up to the latter date. History of this section. *Archer v. State*, 74 Md. 426.

Since a statute passed in pursuance of art. 3, sec. 47, provided that contested elections for comptroller should be decided by the house of delegates, and since in this case it had been so decided by the house in favor of the appellee, an injunction restraining him from exercising the powers and duties of comptroller was properly refused. The Governor was only entitled to fill a vacancy in the office of comptroller until the party declared to be entitled to the office should duly qualify. The Constitution should be construed as a whole. Comptroller held to have duly given bond and qualified. *State v. Jarrett*, 17 Md. 327.

A comptroller held not to be in office, and hence not entitled to salary, until he qualified by taking the oath prescribed by art. 1, sec. 6, of the Constitution. There is nothing in the Constitution which fixes the comptroller's term of office at two years from the day of election. A comptroller continues in office until his successor has been duly elected and qualified. Object and effect of the portion of this section giving the legislature authority to prescribe an oath and require a bond. If payment of the comptroller's salary is refused, mandamus lies. *Thomas v. Owens*, 4 Md. 216 (dealing with the Constitution of 1851). And see *Sappington v. Scott*, 14 Md. 54.

For a case involving a suit on the bond of a former treasurer of Havre de Grace, see *Havre de Grace v. Fahey*, 108 Md. 533.

See notes to art. 1, sec. 6, and to art. 6, sec. 5.

As to the comptroller, see art. 19, and as to the treasurer, see art. 95, of the An. Code.

See art. 2, sec. 18, of the Md. Constitution.

Sec. 2. The Comptroller shall have the general superintendence of the fiscal affairs of the State; he shall digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; prepare and report estimates of the revenue and expenditures of the State; superintend and enforce the prompt collection of all taxes and revenue; adjust and settle, on terms prescribed by law, with delinquent collectors and receivers of taxes and State revenue; preserve all public accounts; and decide on the forms of keeping and stating accounts. He, or such of his deputies as may be authorized to do so by the Legislature, shall grant, under regulations prescribed by Law, all warrants for money to be paid out of the Treasury, in pursuance of appropriations by law, and countersign all checks drawn by the Treasurer upon any bank or banks in

¹ Thus amended by act of 1922, ch. 141, ratified November, 1922.