

If the Comptroller come to the same conclusion, that the General Assembly have not under the Constitution the power to make these appropriations, then the inquiry you submit, is, will the Comptroller be justified in issuing his warrant in favor of a member of the General Assembly for mileage or for any other or larger sum than four hundred dollars? This subject is too important to the people of this State, to the members of the General Assembly, and to us, both having responsible duties to perform under this Constitution, which we are all sworn to support, to be passed over without careful examination and mature reflection.

The Treasury of this State before the Constitution of 1850 was under the absolute control of the Legislature, no power existed to arrest the payment of any appropriation. The Treasurer himself, was the sole custodian of the public money and held his office at the pleasure of the House of Delegates, and could be removed at any time, if not subservient to their views. He had no power to withhold the payment of any appropriation the Legislature might make, however unconstitutional he might esteem it to be. The peril of this state of things was duly appreciated by the Convention of 1850, and the remedy applied by the Sections of the Constitution before referred to, which, after many years of experience of their wisdom, have been incorporated as part of the present Constitution. These Constitutions established an independent Treasury Department, as it may be called.

They vested in a new officer, the Comptroller, the duty of protecting the money of the people, from all appropriations made without the sanction of the laws and Constitution of the State. They required that he should exercise these high and responsible duties, should be elected by the people's direct vote, thus making him, in the exercise of this important trust, their immediate representative, and clothing his acts in the discharge of this specific duty, with the same sanction of their authority which the General Assembly themselves possessed, so that any action of his in refusing his warrant for appropriations deemed by him unconstitutional should have the force and obligation of arresting such