

visions in the Constitution as will prevent the existence of such a difficulty. Some method must either be provided there, or the matter must be left to that common law which the great expounder of the Constitution has laid down in the case of Luther *vs.* Borden, as the American doctrine. There is no practical difficulty, however; for, in this age of the world, no man will so clog the wheels of government as to stay progress or prevent improvement. With us, danger is to be apprehended rather from a contrary source. We need brakes—we are going too rapidly.

Mr. D. then proceeded to speak of the right of revolution, as recognized (for extreme cases,) by the Constitution,

But gave way to a motion that the Convention adjourn.

The motion having been agreed to, the Convention adjourned until to-morrow morning at 11 o'clock.

FRIDAY, January 31st, 1851.

Prayer by the Rev. Mr. GRAUFF.

The roll having been called—no quorum was present.

Mr. MICHAEL NEWCOMER. I move a call of the Convention.

The PRESIDENT. The roll has just been called.

Mr. NEWCOMER. How then are we to get the members here? I suppose the proper plan will be to send the officers of the Convention for them.

After some conversation, the President directed the Secretary again to call the names of those members who had not answered on the first call of the roll.

The names having been accordingly called, and a number of members having entered the hall, *ad interim*, a quorum was found to be present.

The journal of yesterday was read and approved.

The President laid before the Convention a communication from the Treasurer of the State, relative to the interest on taxes which has been remitted by the Executive under the provisions of chapter 207, of December session 1842, as required by the order of the Convention of 3rd inst.

Which was read, and

On motion of Mr. BROWN,  
Ordered to be printed.

#### TREASURY DEPARTMENT.

Mr. McLANE, chairman of the committee on the Treasury Department, submitted the following report:

The committee appointed "to consider and report respecting the Treasury Department,"

*Article 1st.* There shall be a Treasury Department, consisting of a Comptroller chosen by the qualified electors of the State at each election of members of the House of Delegates, and shall receive an annual salary of three thousand dollars; also of a Treasurer to be appointed by the two houses of the Legislature at each session thereof on joint ballot, who shall receive an annual salary of two thousand dollars; 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 service whatever. In case of a vacancy in either of the officers, 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 by the people or a choice by the Legislature as the case may be. The Comptroller and the Treasurer shall keep their offices at the seat of Government, take such oath and enter into such bonds for the faithful discharge of their duties as the Legislature may prescribe.

*Art. 2d.* The Comptroller shall have a general superintendance of the fiscal affairs of the State; digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; shall report estimates of the revenue and expenditure of the State, and superintend and enforce the collection of all taxes and revenue; adjust, settle and preserve all public accounts, decide on the forms of keeping and stating accounts, and grant, under regulations prescribed by law, all warrants for moneys to be issued from the treasury, in pursuance of appropriations by law, prescribe the formalities of the transfer of stock or other evidences of the State debt, and countersign the same, without which such evidences shall not be valid; he shall make full reports of all his proceedings, and of the state of the Treasury Department within ten days after the commencement of each session of the Legislature, and perform such other duties as shall be prescribed by law.

*Art. 3d.* The Treasurer shall receive and keep the moneys of the State, and disburse the same upon warrants drawn by the Comptroller and not otherwise; he shall take receipts for all moneys paid by him, and all receipts for moneys received by him shall be endorsed upon warrants signed by the Comptroller, without which warrant so signed, no acknowledgement of money received into the Treasury shall be valid. Upon warrants issued by the Comptroller; he shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof on account of the sinking fund. Every bond, certificate or other evidence of the debt of the State, shall be signed by the Treasurer and countersigned by the Comptroller, and no new certificate or other evidence intended to replace another shall be issued until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same, shall be filed in his office, and the transfer accordingly made on the books thereof, and the certificate or