

is "for the expense of distributing;" it is not to compensate anybody.

Mr. BRISCOE. That is one of the duties the acts of assembly require the librarian to perform.

Mr. STOCKBRIDGE. Certainly; but there is an expense in doing it. There is a large parcel of books to be sent, three or four copies to each member of the legislature, certain copies to clerks and registers of wills, &c., to Calvert county, Frederick county, Washington county, &c. These have to be boxed. They have to be conveyed to the express office. There is expense in all this. I suppose it was to meet this expense that the legislature appropriated \$50, or so much as may be necessary to meet this expense.

I had supposed, and I still suppose and do believe that these appropriations are made to meet that expense; and that if the whole sum is not needed to meet that expense, the surplus belongs not to the librarian but to the State. He is to meet the expense, whatever it may be, and the balance is undrawn from the treasury. That certainly is the proper construction of the law.

The PRESIDENT. The gentleman will perceive the difficulty in which the comptroller is placed. The librarian draws upon the treasury for the specific sum appropriated. The comptroller, of course, is bound to pay that specific appropriation.

Mr. STOCKBRIDGE. I had supposed that it was the duty of the officer who performed this work to present his vouchers for the expense incurred, and that his vouchers should accompany his draft; which would make it a perfectly plain case for the comptroller.

The PRESIDENT. The chair will state that the librarian has never presented to the comptroller any statement of expenses for freight. It is not to be presumed that the distribution of the laws, journals and documents of a session of the legislature will amount to the sum of \$150. The comptroller was under the supposition that he could not go behind the law, which appropriated a specific sum for a specific purpose, when the librarian drew his draft. If the freight did not amount to \$5, the comptroller was bound to pay, and the librarian was entitled to draw every dollar of the \$150 under the law. It is done upon the supposition that the expense is furnished to the legislature, and that the legislature makes this appropriation accordingly. If the librarian has furnished the legislature a statement of the freight, and that freight amounts to \$150, then the legislature pass it, and the comptroller is bound to presume that fact. He is bound to presume that the legislature in acting upon the subject, has acted upon a bill presented showing the amount of freight to be \$150.

Mr. DANIEL. Or upon an estimate.

The PRESIDENT. Certainly, or upon an estimate submitted to the legislature.

Mr. STOCKBRIDGE. Of course the expense cannot be ascertained definitely during the session of the legislature, as it is not incurred until after the adjournment; for it is not until after the members have gone home that the journals and laws can be bound and distributed.

The PRESIDENT. It will be easy from the experience of the last ten years to make a pretty close estimate. But does any gentleman pretend to say that the expense of distributing the laws and journals would amount to \$150?

Mr. STOCKBRIDGE. I do not know what it does cost; but I am satisfied that if boxed properly it could not cost less than twenty-five or fifty dollars; and there is the drayage, expressage &c., to be paid. This appropriation reads like any other in the appropriation bills. "For the expense of the fuel and lights for public buildings and grounds, and the government house, \$5,000." Does any gentleman pretend to tell me that if the person charged with procuring this fuel and lights for the state house, procures it at \$3,000, he has a right to draw \$5,000, and take the \$2,000 as perquisites? It is precisely a parallel case. "For the postage of the executive and treasury departments, the land office, and the adjutant general, \$2,000." Has the person who pays that postage a right to draw upon the comptroller for \$2,000? and if it costs but \$1,000 or \$1,500, has he a right to appropriate the other \$1,000 or \$500, as perquisites of his office? The law reads precisely the same. The phraseology is the same in the two cases.

The intent, the purpose was, and could have been nothing else, that this expense, whatever it might be, should be paid out of this fund, and the balance, if any, should remain in the treasury. It is precisely the same with reference to the legislature. "To pay members of the senate and house of delegates, their officers and attendants, the yearly salaries of the secretary of the senate and clerk of the house of delegates excepted, and also for the contingent expenses of the regular session of January, 1864, of the general assembly, including the cost of printing, \$75,000." Somebody is to pay that money, so much thereof as may be necessary. Does any person pretend to say to this convention that the person who is charged with that duty may draw the sum of \$75,000 and pay the per diem, and mileage, &c., and the rest is his perquisite?

I see no perquisite in this thing. The treasurer is to pay whatever the receipts show that the expense is; and nothing more. I am unwilling to agree at all that this matter has gone on from year to year in violation of the constitution, as it would be if there were any addition to the salary of the librarian. I do not suppose it has been so considered. We pay a salary of \$1,000 and