

whatever expense the librarian incurs in the discharge of his duty, and nothing more.

The PRESIDENT. After this distribution, and sometimes even before the distribution is effected, a draft is presented at the treasury department for one hundred and fifty dollars. The legislature has passed upon the subject. What right has the comptroller to open the question which the legislature has passed upon, prescribing a definite sum for a specific duty? It is not analogous to the case of the payment of members, because that payment is prescribed to be a per diem. But here for a specific service the legislature appropriates a definite sum; and whether the cost is five, fifty or seventy-five dollars, the treasurer has nothing whatever to do with that. He must honor the draft of the librarian for that specific sum. It is with this view that the comptrollers heretofore have always audited the draft of the librarian. There has never been filed within the knowledge of the present comptroller, at any time, any statement of the expenses incurred by the librarian in distributing these books. The appropriation has been one hundred and fifty dollars, and if twenty dollars would have covered the expense, the comptroller could not refuse to pay the full amount appropriated.

Mr. PETER. The former clerk in our county has stated to me that on several occasions it was considered hard that the clerk of the county should be compelled to pay the expense of the books sent there; and I know that at one time he permitted the books to lie over a month on that very account, refusing to pay the expense, but afterwards paid it and took them.

Mr. DANIEL. There does not seem to be any real conflict here. There must be an estimate of this thing made to the legislature before they adjourn. They cannot make that estimate to a cent, because it cannot be ascertained until the books are sent out.

Mr. SANDS. Will the gentleman allow me to suggest an idea? Could not the appropriation be for one hundred and fifty dollars, or so much thereof as is necessary to meet the expense, requiring the vouchers for the actual expense?

The PRESIDENT. That is for the legislature.

Mr. STOCKBRIDGE. They are all made so.

The PRESIDENT. No, sir.

Mr. STOCKBRIDGE. "Be it enacted by the general assembly of Maryland, That for the expenditures in the support of the government, for the year ending on the 1st day of January 1865, the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated," that is to say, for the salary of this, that and the other, "for the expense of distributing bound copies of Maryland reports to the clerks and registers of wills of this State, fifty dollars; for the expense of distributing copies of

Mayer's Digest, subscribed for by resolution of the general assembly, fifty dollars," &c.

And here let me say that that was an appropriation made for a book which, by the failure of another resolution, was never published, and consequently has not been distributed. Is that fifty dollars to be paid for the distribution of a book which was never printed?

The PRESIDENT. That has not been the construction placed upon it by the treasury department.

Mr. STOCKBRIDGE. It is as plain as words can make it.

Mr. HEBB. Is not the comptroller to presume it costs as much as the librarian drafts for?

The PRESIDENT. The draft of the librarian is the voucher in the comptroller's department.

Mr. STIRLING. Look at the 2d section of this act, which says expressly: "That the treasurer of the State shall, upon the warrant of the comptroller of the treasury department, disburse the said sums of money herein appropriated for the objects and purposes specified, to or upon the order of the person or persons, bodies politic or corporate, severally entitled thereto."

That authorizes the librarian to draw the amount appropriated. The only accountability is in the words following:

—"And that the several public officers to whom the same or any part thereof may be paid, shall render quarterly, to the comptroller, accounts of the expenditures thereof, with the proper vouchers, verified by affidavit," &c.

That they are to do after he pays it.

Mr. DANIEL. That is the very point I was coming to when I was interrupted; that the comptroller must honor the draft of the librarian, the legislature having estimated that it will cost about that amount, and that the librarian must return his account and vouchers afterwards, either to the comptroller or the general assembly, in order to show how much was the actual cost. That I think is the precise state of the case. There is no other way of getting at it.

Now it does seem to me that one hundred and fifty dollars, when you consider the boxing up of these books, the drayage to the express office, and sending them out to every county and the city of Baltimore, and then perhaps hauling or other expenses there before they arrive at their destination upon twenty-two or twenty-three boxes of books—and I have seen them come up to my own county after the adjournment of the legislature, and I know that the copy of the laws, and of the journals of the senate and of the house of delegates, &c., fill a large box—would amount pretty nearly to one hundred and fifty dollars. It is a question merely of estimating, and I suppose the legislature estimated that. There