

[COPY.]

ANNAPOLIS, 19th March, 1865.

TO ROBERT J. JUMP, ESQUIRE,

Comptroller, &c.

SIR,—I regret that an official engagement before me when your letter was received, has caused this delay in my reply. You inquire of me “whether a Resolution or Act of the General Assembly will justify the Comptroller in issuing his warrant in favor of a member of the General Assembly.

“1st. For any other or larger sum than four hundred dollars as per diem and mileage.

“2d. For the payment of any sum as mileage.

“3d. For the payment of any other or larger sum than four hundred dollars to the Speaker of the House of Delegates.”

As the Constitution declares that no money shall be drawn out of the Treasury except in accordance with an appropriation by law, and that the Comptroller shall grant all warrants for all money to be paid out of the Treasury in pursuance of appropriations *by law*, [See 31 Sec. of 3d Art. and 5th Sec. of 6th Art.] to justify the Comptroller in issuing any warrant, it must be for money appropriated by law. Every Act or Resolution of the General Assembly is not necessarily a *law*—to have the force and sanction of law, such Acts and Resolutions must be passed by the General Assembly in pursuance of powers vested in them by the Constitution of the State, as our Court of Appeals has frequently decided. The question then for consideration is, does the Constitution of this State authorize such an Act or Resolution to be passed by the Legislature as is stated in your inquiry?

The 14th Section of the 3d Article relates to this subject, and declares that the General Assembly shall continue its Session so long as in its judgment the public interest may