

The 16th section of the 4th article of the Constitution declares that no Senator or Delegate shall be eligible to any office created, or the salary of which has been increased, during the whole time for which he was elected—and the 7th section of the 3d article declares that no Judge shall sit in any case wherein he is interested.

Surely the *spirit* of these sections may be invoked in discriminations against these claims of the members of the General Assembly for extra allowances.

Let me refer you to some authority on these questions.

The powers of the General Assembly, Comptroller and Treasurer, came before the Court of Appeals for their examination and decision in *Thomas vs. Owens*, 4th Md. Reports, 189, from which I make these extracts in the opinion of the Court.

“Under our system of Government its powers are wisely distributed to different departments—each and all subordinate to the Constitution, which creates and defines their limits—whatever it commands, is the supreme and uncontrollable law of the land.”—Page 225.

“The power contended for, would give to the Legislature a practical and real omnipotence, with the same breath which professes to restrain these powers within narrow limits—it is prescribing limits, and declaring these limits may be passed with pleasure.”—Page 227.

“In adopting the Constitution, the people designed to secure to themselves all the safeguards which that instrument was intended to cast around their liberties and their property; and prominent among these was the supervision and controlling power of the Comptroller of the Treasury Department.”—Page 223.

“No money shall be drawn from the Treasury of the State except in accordance with an appropriation made by law.”

“This was obviously intended to prevent the expenditure of the people’s treasure without their consent, either expressly by themselves in their organic law, or by their representatives in constitutional acts of legislation.”—Page 225.