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SPLENDID NUMBERS FOR MARCH, 1851. J. W. MAURY & CO., MANAGERS. VIRGINIA STATE LOTTERY. \$100,000 - \$20,000 - \$10,000.

MAGNIFICENT SCENES FOR APRIL, 1851. J. W. MAURY & CO., MANAGERS. VIRGINIA STATE LOTTERY. \$100,000 - \$20,000 - \$10,000.

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CITY OF WASHINGTON, THURSDAY MORNING, MARCH 27, 1851. "LIBERTY, THE UNION, AND THE CONSTITUTION."

Billings of Special Sessions of the Senate. In consequence of the publication of the decision of the Comptroller of the Treasury, (Mr. Whittless), rejecting certain payments chargeable against the Secretary of the State, the Secretary of the Senate has requested us to publish the following official opinion, given by Mr. Reverdy Johnson when Attorney General, by which it will be seen that the law officer of the government denied the authority claimed by the Comptroller over the subject, and sustained the legality of the payments.

ATTORNEY GENERAL'S OFFICE. November 27, 1849. SIR: The questions you have submitted for my opinion in the matter of the accounts of Abury Dickins, as disbursing agent of pay and mileage of the senators of the United States, I have considered with the care due to their importance. They are—

First. Whether by law the certificate of the presiding officer of the Senate is conclusive in support of the charges for payments made by the Secretary; and, if not, Second. Whether, under the first section of the act of the 22d January, 1818, the Secretary is authorized to credit for the payments of the mileage disallowed by the Comptroller.

First. This inquiry involves the respective rights of Congress and of the executive office of the treasury. It brings more or less into conflict the relative powers of the legislative and executive departments, and is, consequently, of much interest. That Congress should possess, and exclusively possess, the power of the purse, and the right to decide upon the compensation to be paid to its members, is upon the independence of the body. The 6th section of the first article of the constitution therefore provides that "the senators and representatives shall receive compensation for their services to be ascertained by law, and paid out of the treasury of the United States."

The absolute right to this compensation, when ascertained, and ascertained, by law, it is not in the power of the President of the United States, and still less of any subordinate executive officer, to do or to interfere with. It becomes, then, as completely withdrawn from all such power as it would have been had it been given in terms by the constitution itself. The question, then, is, whether in this case the compensation paid to the disbursement agent is not "ascertained by law," and, as such, is not to be paid out of the treasury. I am clear in the opinion that it is. What the constitution requires is not that the amount of the allowance should be fixed by law, but that the manner in which it shall be done; that it left to the discretion of Congress. Whether it is to be accomplished by giving a fixed salary, or an allowance varying with the varying circumstances of the office, or by some other mode, it should be attached to either mode, are all left to the legislative power. And it is also equally obvious that the manner of ascertaining the facts which the law may make necessary to the receipt of the allowance is also to be regulated by the same power. A provision of the act of the 22d January, 1818, is not to be construed as a restriction upon the power of Congress to determine the amount to be paid, and constitute as much a part of the ascertainment as any other provision of the law may contain. When the compensation to be received is not a fixed sum, but is to be ascertained by law, it is not to be paid out of the treasury, unless it is ascertained by law, and as such, is not to be paid out of the treasury.

Now for a case of the most splendid in the city. The subject is a large and beautiful lot of land, situated in the city of Washington, and containing about 100 acres. The land is situated in the city of Washington, and contains about 100 acres. The land is situated in the city of Washington, and contains about 100 acres.

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The Comptroller is of opinion that the certificate is only prima facie evidence of the amount. Where does he get this? Certainly the act which directs the certificate to be made does not limit it. On the contrary, it declares that the amount certified shall be paid and paid at the treasury. The language is not that it may be passed and paid, but it is imperative that it shall be passed and paid. It is found in the act of the 22d January, 1818, in the words "and the amount so certified shall be paid and paid at the treasury."

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