

require—and each member thereof shall receive a compensation of five dollars per diem for every day he shall attend the Sessions, unless absent on account of sickness, *provided, however,* that no member shall receive any other or larger sum than four hundred dollars. Sessions called by the proclamation of the Governor are not to continue longer than thirty days, and in such case the compensation shall be at the rate of five dollars per diem.

This word “Compensation” is often used in the Constitution, and does in itself, import that which is given as an equivalent for the services rendered, and implies an exclusion of any other sum for these services.

But the proviso above, that no member shall receive any other or larger sum than four hundred dollars, seems to require this construction,—no member shall receive any *other* sum—that is, any *other* than the five dollars per diem, nor any *larger* sum—that is, *larger* on account of this per diem than four hundred dollars.

The 34th Section of the 3d Art. declaring that no extra compensation shall be granted or allowed by the General Assembly to any public officer, agent, servant, or contractor, after the services shall have been rendered, or the contract entered into; nor shall the salary or compensation of any public officer be increased or diminished during his term of office, supports this view of the subject. The language of the Constitution therefore, does not, in my opinion, authorize the General Assembly to pass any Resolution or Act as is referred to in your first and second inquiries.

A review of the history of this subject; will, I think, cause you to come to the same conclusion.

The law of 1796, ch. 41, fixed the per diem of the President of the Senate and Speaker of the House at \$4.50, and of the members at \$3.50 for every day's attendance as such, besides the accustomed itinerant charges and ferriages. The Act of 1811, ch. 156, directed that they receive, in addition to their present allowance, fifty cents. At this rate the per diem remained, [though also fixed by the Constitution of 1851,] until the present Constitution was adopted. The