

sum of ten dollars as the per diem of members of this body.

Now so far as living and other expenses are concerned, they have increased fifty per cent. over what they were at the meeting of the last general assembly of this State. I think that in view of everything that is stated here in the report of the committee of the last general assembly, and in view of the law, this convention ought to be liberal enough to allow the poor members of this convention the amount asked for in this order.

Mr. STIRLING. I wish to say a word upon this subject, because I am not in the habit of refusing to acknowledge anything I have done. It has been said or insinuated here, that those who reported that resolution in the last general assembly were not to be respected, so far as their judgments were concerned, and were not quite to be respected so far as their motives were concerned. That resolution passed both houses of the general assembly, by a large majority. And so far as I have heard, with the exception of one gentleman, whom I have heard of since, every member of both houses took the money. And I think that anybody who took that money has no right to say anything against the legislature for voting it. I voted for that resolution, and I stand here responsible for having voted for it. And the reason why I shall not vote for the order of the gentleman from Washington (Mr. Dellinger) is that the per diem of the members of the last general assembly was only four dollars, and more than a hundred dollars in addition to that has already been received by members of this convention whose per diem is five dollars.

Mr. RIDGELY. Consistently with my own views of law, I reach a very different conclusion from that just communicated by the gentleman from Baltimore city (Mr. Stirling.) I do not think this convention has any right to decide this question at all. If this convention bill is susceptible of the construction which has been put upon it; if it will admit of the interpretation which the gentleman from Washington county (Mr. Dellinger) has put upon it, and I think it will, that appears to me to be an end of the question. This convention bill is no longer an act of assembly. It ceased to be an act of assembly the moment the people passed upon it and indorsed it. When the people passed upon it and indorsed it, it became the law, and imperative in all its parts. We have no discretion to relax it or to extend it. If the convention bill be susceptible of the interpretation and construction put upon it by the gentleman from Washington county, then I say you are bound to pay the mileage received by the members of the last legislature, because the people have said so.

I care nothing about the proposition itself. I rise simply to express an opinion upon the law of the case. And I go further; and I do it with great deference and respect. I believe

that each member of this convention has a legal right to this amount, and that that legal right could be enforced by a mandamus. I think, therefore, it is no longer a question of discretion, but imperatively a question of right which we cannot resist.

Mr. STOCKBRIDGE. I do not see either the right or the justice of it. The phraseology of the convention bill is: "and the compensation of the delegates to said convention shall be five dollars per day, and the mileage allowed to members of the general assembly of this State." Now what does that mean? Does it refer to one single exceptional case in all the State's history, or does it refer to the customary and usual mileage? That is the question. At the time of the passage of this convention bill, there had never been in the State of Maryland, so far as I know, but one rate of mileage established by law; certainly not more than one rate for many years at least.

The PRESIDENT. It had been so from the days of the revolution.

Mr. STOCKBRIDGE. There had been but one rate of mileage, and that is what it was at the time this convention bill was passed. I submit to the convention, with great deference, that a single, wrongful, exceptional case, transpiring after the passage of this convention act, should not in this case have any influence upon the minds of members of this convention. What is mileage? A certain fixed rate allowed as travelling expenses; nothing else. There are members sitting here whose homes can be hit with a stone thrown from the steps of this State-house. A hundred dollars mileage to them for travelling expenses to those homes? The proposition is absurd upon its face. It is a wrong upon the State which we have no right to perpetrate. I hope this order will not be adopted.

Mr. DELLINGER. The gentleman from Baltimore city (Mr. Stockbridge) cannot throw a stone to my house, at any rate. I would inquire of the honorable gentleman from Baltimore city (Mr. Stockbridge) whether he took the mileage that was allowed by the last general assembly to every one of its members? I know one thing; it has cost me a great deal more than the mileage I receive, to travel to my home and back. It is well known to members of this convention that we had to leave the city of Annapolis upon a certain occasion, and I could only reach my home then by going around by the way of Philadelphia and Harrisburg. I have gone to my home and come from my home, but once since I have been a member of this convention, directly by the Baltimore and Ohio Railroad. I have been subjected to extra expense every time I have gone home from here, which has been but three times. And I would ask whether the cost of everything has not increased at least fifty per cent. beyond what it was when