

ably. If they do not adopt it, as a matter of course, I cannot receive it.

I attach a great deal of weight to the opinion which has been expressed by the gentleman from Baltimore county (Mr. Ridgely.) If I had not him upon my side, if he did not support my proposition, I should feel very much inclined to withdraw it. But I believe he is right. I am satisfied I have done nothing wrong in submitting this proposition to the convention. It is for the convention to decide upon it. I do feel, I must confess, some inclination to withdraw it. But as that perhaps would not meet with the approbation of those who have advocated it, I will not do so. If the yeas and nays are called I shall vote in favor of the proposition, because I believe it to be just and right and proper. If I did not so think I should record my vote against it.

Mr. BELT. I desire to add one sentence to the strong view my friend from Baltimore county (Mr. Ridgely) has taken upon this question. I would state my impression that the mileage allowed to members of the general assembly of this State from time immemorial was not regulated by any constitutional provision. It was regulated either by the custom of the general assembly, or by statute.

Mr. STIRLING. It was regulated by statute law; one of the old laws.

Mr. BELT. My impression was that it was regulated by statute; and I have been trying to find the statute, but have not done so.—Being regulated by statute, of course it was competent to be changed by statute. Here then a certain statute existed allowing a certain mileage to members of the general assembly. The last general assembly repealed that statute. And I hold as a matter of law that that repeal operates until another general assembly shall restore the old provision. I do not know any authority which any officer of the State has to refuse to comply with the new statute, for it supersedes the old one.

As regards the suggestion made by the gentleman from Baltimore city (Mr. Stockbridge) that the act calling this convention was passed before the appropriation bill changing the mileage of members of the general assembly. That has no force in it, for the reason that the general appropriation bills are about the last acts passed at any session. Therefore that appropriation bill, like all others, operates *nunc pro tunc*; it takes action back. I shall therefore cheerfully vote for this proposition.

The question was upon the order submitted by Mr. DELLINGER.

Upon this question Mr. BAKER called for the yeas and nays, which were ordered.

The question was then taken by yeas and nays, pending the call of which, the following explanations were made by members, as their names were called :

Mr. ABBOTT. When this proposition was first presented, after hearing the explanation of the gentleman from Baltimore county (Mr. Ridgely,) I intended to vote for it. But when I came to hear the explanations of members of the last general assembly, and found out what effect it had upon them, that they did not know they had a hundred dollars too much or too little, fearing it might have the same effect upon me, I shall vote "no."

Mr. CHAMBERS. I have no doubt about the authority of this convention to pass this order, and to prescribe their own pay, their mileage, their emoluments, or anything else. But seeing from the indications here that the gentlemen of the majority do not choose to take the responsibility of this upon themselves, I have no idea of putting money in their pockets against their will. I therefore vote "no."

Mr. NEGLEY. I believe with the gentleman from Baltimore county (Mr. Ridgely) that it is perfectly right and proper that this proposition should carry. But I see clearly that it is lost, and therefore there is no use for me to vote in the affirmative. I therefore vote "no."

Mr. RIDGELY. For the reasons I have already given, I cannot consistently vote in any other way than in the affirmative. I therefore vote "aye."

Mr. STIRLING. My vote upon this question will be given upon this ground: I believe that the joint resolution of the last general assembly is the law. And I believe that by the force of that law the members of this convention are entitled to this additional mileage.—But as the question is presented to me here whether I think it expedient, and according to my wishes and preferences at the present time to receive this money, I vote "no."

Mr. WOODEN. Being a member of the committee on accounts, I ask to be excused from voting.

The question being taken, the convention refused to excuse the member from voting.

Mr. WOODEN. Then I vote "no."

After the call of the roll had been completed, but before the result of the vote was announced, several members changed their votes as follows :

Mr. HODSON changed his vote to "no."

Mr. DUVALL changed his vote to "no."

Mr. TURNER changed his vote to "no."

Mr. PARRAN changed his vote to "no."

Mr. LEE changed his vote to "no."

Mr. JOHNSON changed his vote to "no."

Mr. HENKLE changed his vote to "no."

Mr. DAIL changed his vote to "no."

Mr. GALE changed his vote to "no."

Mr. CRAWFORD changed his vote to "no."

Mr. BELT. I am still inflexibly in favor of the opinion I have expressed, and which my friend from Baltimore county (Mr. Ridgely) has indorsed. And I have no doubt that those who have voted with me in favor of this proposition have been thrown in a false