

Mr. DELLINGER withdrew the motion to refer to the committee on accounts.

The question was upon adopting the order.

Mr. RIDGELY. I ask leave to amend this order. I have been mistaken in the amount of per diem named. I had supposed that the present constitution provided an extra compensation of two dollars per day for the speaker of the house of delegates; but upon examination I find it allows but one dollar a day additional. I therefore ask leave to strike out "seven dollars" and insert "six dollars."

No objection was made, and the order was modified accordingly.

Mr. STIRLING. The act of assembly says: "and the said convention shall have power to appoint such clerks and other officers as they may deem necessary to facilitate the transaction of the business of the convention, and to fix their compensation." Now I submit that the president of this convention is an officer of this convention. I find that the same interpretation was put upon the act of 1849 by the convention of 1850, and a precisely similar order adopted. The bill under which that convention was called fixed the per diem at four dollars. That convention, acting under precisely the same authority that we are acting under, under a bill of precisely the same language in this respect, passed an order granting the president of that convention two dollars additional per diem, as an officer of the convention distinct from a member.

ONE HUNDRED DOLLARS EXTRA MILEAGE.

Mr. LEE moved to amend the order by adding the following:

"And that the committee on accounts be hereby instructed to audit the mileage account of each member of this convention according to the joint resolution of the general assembly of this State at its last session, adjusting the mileage of the members of that body."

Mr. ABBOTT. I move to lay that amendment on the table.

The CHAIRMAN (Mr. Purnell.) That carries the whole subject with it.

Mr. ABBOTT. Then I withdraw the motion.

Mr. DANIEL. I hope this matter will be acted upon now. We voted upon this matter the other day, and voted it down by a very large majority, so large that a motion was made and adopted to withdraw the proposition and have no mention made of it on the journal. I understand now that it is proposed by the committee on accounts to allow this extra mileage. I do think that before they allow it, it ought to be determined by the house. The committee on accounts I know are in difficulty and trouble about this matter, and I think it is a proper thing for the house

to determine. For one I do not think any member is entitled to it any more than I think the members of the last legislature were. Therefore I shall vote against it. But I think the house ought to pass upon it now, and relieve the committee on accounts from all further trouble in regard to the matter.

Mr. NEGLEY. I move that the whole subject be referred to the committee on accounts, with instructions to inquire into the law and report accordingly.

Mr. MILLER. The amendment that has been offered, and is now before the house, is simply carrying out, as I conceive, the provisions of the law as it now stands. With the propriety or impropriety of the action of the last legislature this body has nothing in the world to do. The convention bill under which we are assembled, and which declares that the per diem of members of this body shall be five dollars, and the mileage shall be the same that is fixed by law, is the law to guide us in this matter. Our per diem is fixed absolutely at five dollars. To what law are we to go to ascertain what is our mileage? What has been done in reference to mileage? Mileage has been a matter of legislative determination from the time the legislature was first established in this State, and has been changed from time to time from then till the present. In early times, when railroad facilities for travel and communication were wanting, mileage was allowed at a certain rate. It has been modified from time to time, by acts of the legislature, down to 1864, when the legislature by joint resolution raised the mileage for considerations set forth in the preamble. That joint resolution is just as much a law as if it had been passed under the words "Be it enacted by the general assembly of Maryland." That joint resolution was passed in just the same way as every other law was passed. And then comes in the convention bill, which says that we shall receive the mileage allowed by law.

Mr. JONES, of Somerset. It says "the mileage allowed to members of the general assembly of this State."

Mr. MILLER. Exactly; and the law, in the shape of a joint resolution, says that there shall be allowed as mileage to members of the general assembly so much. Therefore it is the law which allows mileage to the general assembly, and we are covered by that law. If we are going to do as they did in the long parliament, pass a self-denying ordinance, and make ourselves out to be great patriots by not taking what the law allows us, then let us take that ground at once. But will we say that the legislature has not fixed the mileage that we are to receive? or shall we say, under that law, that we are not worthy to receive it, and we will deny ourselves and will not take it? It seems to me that standing upon the matter of law, this is the true con-