

lature, recorded as their proceedings, their laws and resolutions. What do we find there? We find that the legislature expressly stated that this hundred dollars was to be allowed as mileage. "Resolved that the sum of one hundred dollars, in addition to their usual mileage," etc. And that resolution is accompanied by a report which begins:

"The committee on claims, to which was referred an order of the house, of the second day of March, 1864, instructing them to re-adjust the mileage of the members of the general assembly, respectfully report," &c.

I do not say it is mileage; that is another affair. I say the legislature called it mileage. However, more of that presently.

Now I want this question answered. Suppose the convention bill, instead of saying we shall be allowed "the mileage allowed to the members of the general assembly of this State," had said—"shall be allowed the hundred dollars allowed to the members of the present general assembly." Would there then be any difficulty about it? Would any man here doubt? Could he doubt, if the bill said expressly "the hundred dollars allowed as mileage to the members of the present general assembly?" There would be no doubt then, would there? And yet the same objection would apply to the term "mileage." That objection therefore is not sufficient; it is not available. It is not for us to determine whether this is properly termed "mileage;" the legislature have determined that.

Suppose another case; suppose the legislature had violated the law, for that makes no difference in the argument. Suppose that instead of four dollars a day they had taken eight dollars a day, and that in this convention bill that had said in so many words—"the members of the convention shall receive the per diem which the present legislature have received." That bill goes before the people, and the people confirm it. It is no longer the work of the legislature, gentlemen say, but it is the work of the people. The people therefore have said, not at all giving an opinion as to whether it was right or wrong, as regards the legislature, the people have said that that bill should be the law of the convention. What then would have been the per diem of members of this body? Four dollars? or eight dollars? Would gentlemen have gone back of the act of assembly? There is the law. You say it is obligatory. And that law says you shall have eight dollars a day, says it just as much as if it had been in these words, instead of "the per diem which the members of the present legislature have received." You would not have gone back of that for any law about the matter. The first canon of interpretation is that when a matter is referred to, it is just the same thing as if it had been introduced without a reference. When you refer to what the legislature received, it is just ex-

actly the same as if you stated in so many words what the legislature did receive.

Now, having relieved this matter from these difficulties, as to whether it be right or wrong, or whether it be mileage or not, I admit that it is not mileage according to the dictionary. But the legislature called it mileage, and received it as mileage. Nobody can doubt that we are to receive for mileage what was allowed to the general assembly. The only difficulty is, what did the legislature receive as mileage. This business of increasing the mileage was no new thing in 1864. Here is a joint resolution passed on the 4th of May, 1861.

"Resolved by the general assembly of Maryland, That the sum of eighteen dollars, in addition to their usual mileage, be paid to each of the senators and delegates, and the officers of each house, from the following counties and Baltimore city, to wit: Cecil, Kent, Talbot, Queen Anne's, Caroline, Dorchester, Somerset, Worcester, St. Mary's, Charles, Calvert, Anne Arundel, Prince George's, Montgomery, Harford, Carroll, Baltimore county, Baltimore city, and Howard."

Here is another resolution passed on the 19th of June, 1861.

"Resolved by the general assembly of Maryland, That the members and officers of the senate and house of delegates be allowed for this adjourned session, commencing on the fourth day of June last, the per diem for the time they have been in actual session, and the sum of twenty dollars, as an increase to the mileage of each member and officer, except the mileage due to officers appointed from Frederick city, and the same be received as full compensation for all demands for per diem and mileage at this adjourned session."

Then comes the resolution of 1864. The mileage we are to have is the mileage allowed to the general assembly. What general assembly? The Frederick general assembly, that passed the resolution of May, 1861? Or the assembly of 1864, that passed the convention bill? The gentleman from Baltimore city (Mr. Stockbridge) goes back to the law regulating the mileage. The convention bill does not say a word about the law. It is not "the mileage allowed by law." That is a very different sort of thing. If it was "the mileage allowed by law," then the question of what was the mileage allowed by law would come up. But that is not the thing here. It is "the mileage allowed to the general assembly." Which general assembly? That is the whole question involved. Which general assembly did they mean? If you do not go to the general assembly that made this law, which general assembly shall you go to? One of the two whose resolutions I have read, or some other?

I say, therefore, that this law is to have just exactly the same force as if it had given the number of dollars, and had expressly