

struction, and no other construction can be put upon it. As I understand, the amendment offered by the gentleman from Queen Anne (Mr. Lee) has been offered for the purpose of relieving the committee on accounts from all doubt. That doubt it seems to me is removed by the act of assembly. As some gentlemen have requested it, I will read the reasons for passing that joint resolution:

"The committee on accounts, to which was referred an order of the house of the second day of March, 1864, instructing them to readjust the mileage of the members of the general assembly."

They were instructed to readjust it, to fix it as a readjustment of the mileage, which it was perfectly within the power of the legislature to do.

"—respectfully report, that the constitution of Maryland provides that the members of the general assembly, shall receive a per diem of four dollars, and such mileage as may be allowed by law. This constitutional provision seems to justify the conclusion, that while the per diem of members is fixed unchangeably, their mileage is left to be adjusted according to the varying circumstances which might arise. The committee having in view the unprecedented condition of the currency of the country, and the greatly enhanced cost of travel and living in consequence thereof, have deemed it just and right to provide as near as may be for equalizing the compensation of members with that of previous legislatures."

That is the ground upon which they put it. It is an equalizing of the compensation of members with that of previous legislatures.— And nobody can doubt that four dollars a day ten years ago is infinitely superior to five dollars a day now.

"—and therefore, respectfully recommend the adoption of the following joint resolution:

*Resolved by the general assembly of Maryland,* That the sum of one hundred dollars, in addition to their usual mileage, be paid to each of the senators and delegates of the general assembly."

Then our convention bill comes in and says, we shall receive the same mileage as members of the general assembly. Is not this joint resolution the law for our guidance? I ask lawyers of this convention to say whether that is so or not. Personally, I do not care whether the hundred dollars comes to me or not; I do not care a straw about it. But I say that the law is clear upon that subject.

Mr. Stockbridge. From the determined assurance with which the gentleman who has just taken his seat (Mr. Miller) has spoken, one would suppose that this whole matter of mileage had been arranged by law upon some fixed principle in this State, time out of mind. He said it was regulated by act of assembly, which had been modified from time to time.

Now, I suppose, as a lawyer, that statement would have been entitled to much more weight if he had referred to the acts of assembly by which mileage has been regulated and modified from time to time. But I say it would have been no easy task for him, or any other gentleman, to have produced any such authority.

The earliest reference to mileage which I find upon the statute books of Maryland, is in 1796, chapter 41, which fixes the per diem of members at four dollars, and then at the close simply says, "besides the accustomed itinerant charges and ferrage." That is the earliest act of assembly upon the subject which I have been able to find. In 1811 there was an increase of fifty cents a day made to the per diem. It was so construed, although the words "per day" were left out, simply providing that members of the general assembly, should have an additional fifty cents. The same phraseology is used there in reference to mileage, "the accustomed itinerant charges and ferrage." I find no other modifications or changes. So far as I have been able to discover, it stood so until the adoption of the constitution of 1850. What does that constitution say upon the subject?

"The senators and delegates shall receive a per diem of four dollars, and such mileage as may be allowed by law."

That is all with reference to their pay. "A per diem of four dollars, and such mileage as may be allowed by law." What the per diem is everybody understands; it is a rate of four dollars a day. Now what is mileage? Worcester says—and Webster uses precisely the same language—"Mileage. Fees paid for travel by the mile." That is mileage. It is competent for the members of the general assembly to receive four dollars a day, and a certain allowance, fixed by law, as "fees for travel by the mile." There has been no modification of the law on the subject of mileage since the constitution of 1850 was adopted. It is not in the power of the general assembly to vary their per diem, for that is fixed by the constitution. But a desire having been felt to receive some compensation, or some money out of the State treasury, beyond "the four dollars per diem, and the amount of fees for travel by the mile which was fixed by law," a very innocent looking order was introduced:

*Ordered,* That the committee on accounts readjust the mileage of members."

A readjustment of the mileage could be but one of two things; a re-regulation of the number of miles travelled, to conform to the change of roads, or the mode of communication; or an increase or decrease of the amount allowed for travel. Did the general assembly attempt to do either? I say, and I ask the attention of the convention to this one thing—they did neither the one nor the other. They did not touch, or attempt to touch, the mile-