

Mr. BALT: If the law in reference to judges was that they should be entitled to twenty-five hundred dollars a year, and such mileage as should be fixed by law, would not the legislature have the right to fix that mileage at such sum as they pleased?

Mr. STOCKBRIDGE: Unquestionably. But if it went on to state that the salary or compensation of any officer should not be increased or diminished during his term of office, I greatly question whether you could affect the amount of the compensation of a judge during his term. If it can be done in regard to the members of the general assembly what is there to limit them? Because if they can vote into their own pockets, under any name or any pretence, any sum that they please from the State treasury, then there is nothing upon earth to check them. Imagine for a moment a general assembly so corrupt that they should see fit to put into their own pockets a thousand dollars in addition to their usual mileage. If they can put in ten dollars or a hundred dollars lawfully, they can put in a thousand dollars just as lawfully and legally. There is no reason why they should not do the one as well as the other.

And if this amendment be passed, I take it for granted that, as in the last legislature, an order will be offered to-morrow morning that all the officers of the convention shall receive one hundred dollars in addition to their usual mileage; the secretaries, the sergeant-at-arms, the door-keepers and pages. That will be the necessary consequence. And though it be a little matter to each individual, it will take, unwarrantably I believe, about twelve thousand dollars at once out of the State treasury.

The other day when this same proposition was up, and members changed their votes so as not to be on record in favor of this proposition, and it was proposed to withdraw it so that it should not appear on the journal, I then inquired whether it was withdrawn for the purpose of having it offered again. I was answered on all sides that it would not come up again. I had supposed that that was the end of it.

Now I do believe that we have no warrant of law for it. If we have the warrant of law for it, then there is no necessity for any action on our part; the officers of the State will act on the law. But if there is no warrant of law for this thing, then I am not disposed to make a law which shall take from the treasury of the State, over and above what the convention bill authorizes, twelve thousand dollars and put it into the pockets of the members and officers of this convention.

And I am equally clear upon the main proposition. The question was asked here, I remember it distinctly, whether the president of the convention was to be allowed any pay in addition to that of the members.

There was but one response in the house of delegates; that the duties of the president were not more arduous than those of some of the members, and that he should stand upon the same footing with them. It was a matter of discussion in the legislature at the time the convention bill passed; and the compensation was fixed at five dollars a day, with the distinct understanding that that included the president as well as all the other members. Highly as I esteem our president, there are other reasons why I should not be disposed, why I should think it would be highly inappropriate, to increase the amount of his compensation. As the convention bill was originally presented, it contained an increased allowance for the president. That was subsequently cut down in the legislature, and it was done intentionally. And standing here as he does, an officer of the State, subjected to no additional expense for his attendance here, I think it would be singularly inappropriate for us to make any addition to his compensation. And I am confident—although I say so without any conversation with him upon the subject—that it would not be acceptable to him.

Mr. CHAMBERS: This it seems has become strictly a legal question; I do not wish to say, in advance, from what I consider a misconstruction of the law. I am free to say, though I voted against this hundred dollar proposition the other day, that I consider the question upon the proceedings of the legislature, as clear a question as could well be presented to the legal mind. I do not agree to the obligation of this body to obey any mandate of the legislature. I say, as I have said all along, the legislature have the right to call us together, to appoint the time, place and manner of our meeting. But when we get here we are omnipotent in regard to these matters. But to those gentlemen who adopt the theory that the act of assembly is obligatory upon us, I am bold to say that they have not only the right, but they are bound by that law to require the payment of this sum.

I mean simply to argue the legal question. The theory, remember, is that the law passed last February, having been submitted to the people, and by the people having been confirmed, is now constitutional law, and obligatory upon this body. Now let us look at the language of that law. The language of that law is this: and the compensation of the delegates to said convention shall be five dollars per day, and the mileage allowed to the members of the general assembly of this State.

Now, then, let us take up the objections. First, it is said that this is not strictly mileage. Agreed; be it so. What did the legislature call mileage? We are to understand the meaning of the legislature. Where are we to go to get it? To the act of the legis-