

stitution, and by the advice of the council, the governor, while attending at the same time as far as practicable to those duties, became engaged in an extraordinary course of military service, arduous and laborious in its nature, and necessarily subjecting him to increased expense. The 31st section of the act to regulate and discipline the militia passed at November session 1811, subjecting them to the rules and articles of war, further provided that when in actual service they should be entitled to the same pay and rations as troops in the service of the United States. Under the construction of this act it was considered that the governor, being thus called into actual service, became as a part of the militia, at least entitled to the pay and rations annexed to the grade of a major general in the army of the United States, as prescribed by several acts of congress to which reference may be had.

His account being accordingly rendered and certified upon honor, and duly examined and passed by the military accountant, the council as they believed in perfect conformity with the laws, passed the account that was presented for their inspection, and issued an order for the payment thereof on the treasurer. They had been confirmed in their opinion of this procedure being correct by a report of a committee of the house of delegates, delivered on the 20th of January preceding. For the governor feeling considerable delicacy on the occasion inasmuch as his account was to be passed by the department over which he presided, and the payment of it to be authorised by his own signature, was desirous of obtaining the sense of the legislature on the subject, and it was accordingly introduced into the house of delegates the 3rd of January, as follows: "On motion of Mr. Bayly, the following resolutions were read:

"Resolved, That the governor of Maryland, as commander in chief of the militia when in actual service is entitled to the pay and rations of a major general of militia.

"Resolved, That the council be, and they are hereby authorised to liquidate the account of his excellency the governor for services that have been or shall be rendered as commander in chief of the militia of this state, while in actual service, and that the treasurer of the Western Shore be, and he is hereby directed to pay the amount when so ascertained by the council, out of any unappropriated money in the treasury." On the 15th of January it was ordered, "on motion of Mr. Lecompte, that the resolutions laid on the table on the 3rd instant, respecting the pay and rations of the governor of this state, when in actual service, be referred to Messrs. Lecompte, Mason and Bayly." And on the 20th of January Mr. Lecompte from the committee delivered the following report: "The committee to whom was referred the resolutions relative to the pay and rations of the governor, whilst in actual service as commander in chief of the militia of this state, beg leave to report, that the existing laws of the state having provided a mode for the settlement of all claims against the state arising from the employment of the militia, they are of opinion that it would be unnecessary to adopt the said resolutions."

Although the undersigned never entertained a doubt in regard to the legality of the decision of the council, they have been gratified at receiving recent information of its being approved by some of the most prominent legal characters in the state, among whom they thought themselves justified in classing the member from Washington county who moved the late order on the executive; for they could not imagine that as a member of the aforesaid committee on the resolutions in January 1814, that gentleman would have concurred in a report which had not received his entire approbation.

Having given a statement of facts, the undersigned beg leave to protest against any assumption of power by the house of delegates to call on the executive to assign reasons for their official conduct. The legislative and executive branches of the government are distinct and independent of each other, and the council might with equal propriety issue an order, "that the house of delegates be requested to state particularly and fully their reasons" for passing any law, as that the house of delegates should pass an order "that the executive of Maryland be requested to state particularly and fully their reasons for issuing an order on the treasurer, &c."

If the governor or any member of the council have violated their trust, there is a provision of the constitution making them amenable to the laws. The clerk of the executive has been directed to lay before the house of delegates the record of their proceedings for the year 1813, agreeably to the request of the house.

The undersigned deem it right to add that this communication has been delayed in consequence of the absence of a member of the council, who concurred with them in the act to which the order of the house relates.

Being the only other member then present at the board, the undersigned would have preferred postponing this communication until his return; but having left the city on professional business before the subject was introduced into the house of delegates, his absence has been prolonged by indisposition, and as the undersigned understand that the session of the legislature is drawing to a close, they submit without further delay the notice which it has appeared proper to them to take of the order of the house of delegates. And are very respectfully,

SAMUEL RIDOUT,
WM. H. WARD.

Which was read.

On motion by Mr. John H. Thomas, ordered, that the preceding communication and the resolutions moved in this house on Saturday last, relative to the payment of the governor for military services, be referred to the committee appointed to consider and report upon the resolutions from the senate on the same subject.

On motion by Mr. Crabb, ordered, that the resolutions from the senate relating to a proposed amendment of the constitution of the United States, reducing the term of service of senators, be committed to Messrs. Crabb, Bayly and Van Horn.

The clerk of the senate delivers the bill entitled, an act for the relief of Parker Bowen, of Calvert county, endorsed, "will pass with the proposed amendments." Which amendments were read,