

day following he took his seat at the council board and continued to do so every day until the 18th of September, 1813, with the exception of Sundays and five other days, which five days occur at different periods, and not in immediate succession.

And whereas, it further appears by the proceedings of the council, that on the 1st of February, 1814, they passed the following order: "Ordered, that the treasurer of the Western Shore, pay to major-general Winder, sixteen hundred and forty-three dollars and sixty-three cents for his services as commander in chief of the militia of this state, from the 20th of April to the 17th of September, 1813, as per account passed and filed.

And whereas, it appears by the report of the treasurer of the Western Shore, that on the day aforesaid the following order was drawn on him, viz.

ANNAPOLIS, February 1, 1814.

\$1643 63.

Ordered, That the treasurer of the Western Shore pay to Levin Winder \$1643 63 for his pay as commander in chief from the 20th of April to the 17th of September last, as per account passed and filed.

Signed,

LEVIN WINDER.

Countersigned,

THOMAS HARRISON, Auditor.

And endorsed,

LEVIN WINDER.

And that in virtue of said order, the treasurer did pay to the said Levin Winder, the aforesaid sum of sixteen hundred and forty-three dollars and sixty-three cents, as commander in chief, from the 20th of April to the 17th of September, 1813, in addition to his salary as governor, from November 1812 to November 1813.

By an act of assembly, passed at November session, 1785, a permanent salary of one thousand pounds per annum, is established for the governor of this state and by the constitution he is *ex-officio* commander of the militia, and if advised thereto by the council, is authorised to command in person. It is evident that when he does command in person, he only performs a part of those duties which are enjoined on him by the constitution, and which appertain to his office as governor. It can scarcely be denied that when a public law gives to a public officer a salary as a compensation for his time and services employed in the discharge of his official duties, that salary is a consideration for all his services, and not for any specified portion of them. It necessarily follows, that the governor cannot lawfully or constitutionally receive any payment for official services beyond the salary of one thousand pounds, established by law. Again, it is worthy of remark, that at no period subsequent to the time when it appears by the proceedings of the council, they advised the governor to command the militia in person, was it ever announced by a general or other order, that this command was so exercised by the governor; and during the time for which he drew pay as commander in chief of the militia; he continued at Annapolis, where no considerable body of militia was stationed, and almost daily attended in the council chamber.

Whether however such advice was given by the council or not, and whether the governor did actually command the militia in person or not, the payment of the sum of sixteen hundred and forty-three dollars and sixty-three cents to him as aforesaid for services as commander in chief of the militia, was unauthorised by law; therefore,

Resolved, That the payment of the sum of sixteen hundred and forty-three dollars and sixty-three cents by the treasurer of the Western Shore to Levin Winder, Esquire, as commander in chief of the militia from the 20th of April to the 17th of September, 1813, in addition to his salary as governor for the year 1813, was contrary to law.

Resolved, That Levin Winder, Esquire, be and he is hereby required to repay into the treasury of the Western Shore, the sum of sixteen hundred and forty-three dollars and sixty-three cents, the said sum of money having been paid to him for services alledged to have been performed by him as commander in chief of the militia from the 20th of April to the 17th of September, 1813, in addition to his salary as governor for the year 1813, contrary to law.

By order,

THOS. ROGERS, CLK.

Mr. Stephen from the committee delivers the following report:

The committee to whom was referred the petition of Jehu Chandler, printer to the state, report, that they have taken the same into consideration, but as the senate are constitutionally prohibited from originating any law or resolution, the effect of which may be to draw money out of the treasury, they recommend that the petition and accompanying documents be referred to the consideration of the house of delegates.

By order,

JOHN BROWN, Com. CLK.

Which was read the first and second time by special order and concurred in.

The bill entitled, an act to authorise and empower the levy courts of the several counties of this state to lay out or cause to be laid out public roads in their respective counties, was read the second time, passed and sent to the house of delegates by the clerk.

Mr. Stephen from the committee delivers a bill entitled, an act for the benefit of Elizabeth Brewer, of the city of Annapolis. Which was read the first and second time by special order, and will pass; sent to the house of delegates by the clerk.

The engrossed bills from No. 1 to 20 inclusive, and from No. 28 to 64 inclusive, were sent to the house of delegates by the clerk.

The clerk of the house of delegates delivers a bill entitled, an act relating to the judges of the several courts of this state, and a bill entitled, a supplement to an act entitled, an act to appoint commissioners to grade, level, pave and repair the streets, squares, lanes and alleys in that part of the Eastern precincts of Baltimore therein described and for other purposes, severally passed by that house January 25, 1815. And a bill entitled, an act to lay out and open a road therein mentioned. A bill entitled, an act for the benefit of James Wood, of Harford county, and a bill entitled, an act to incorporate the members of the library company in Frederick county, severally passed by that house the 26th January, 1815; and the following resolutions: