

So the amendment to the amendment was adopted.

On motion of Mr. SHRIVER it was ordered that it be entered on the journal that the absence of Mr. BISER from the Convention is occasioned by indisposition.

The question then recurred upon the amendment as offered by Mr. FITZPATRICK and amended on the motion of Mr. RIDGELY.

Mr. HOWARD moved to amend the amendment as amended by adding at the end thereof the following :

“And in case the receipts in any one office shall exceed these allowances and compensation, the fees in that office shall be proportionably reduced.”

Mr. HOWARD said that he had been a member of the Legislature at the time that a proposition was introduced to tax these officers. This war of the Legislature against the clerks had continued for several years, but was at last given up. The clerks and the registers got the better of the Legislature ; and so they would do again. But it was not just or equal that this tax should go into the treasury, because it was levied upon the people of a particular portion of the State, where there happened to be a dense and crowded population, and not upon the whole State. It would not be fair to take the money paid by them and put it into the treasury for the use of the whole State. It was more just that they should pay less for the transaction of their business. Besides, it would be impossible for this to go into the treasury ; because, it never would be collected to go into the treasury. The clerks would let the fees remain for years uncollected, and they could never be collected. It was not only unequal, but fruitless, to try to obtain a revenue in this way.

Mr. MERRICK said that he could not vote for the amendment, because it would create, necessarily, different charges in different quarters of the State, for the same services. It would certainly destroy the symmetry of the system. The citizen of one county would not be satisfied to be charged a higher rate than what the citizen of another county paid. When it should be in order, he would move an amendment which would leave it to the Legislature to regulate all the charges and provide for the collection of the fees by the local officers, and for the payment of the salaries of those officers, not to exceed two thousand dollars to each one.

Mr. HOWARD demanded the yeas and nays on his amendment,

Which were ordered,

And being taken,

Resulted, yeas 31—nays 45—as follows :

*Affirmative.*—Messrs. Chapman, Prestt., Morgan, Hopewell, Ricaud, Mitchell, Donaldson, Randall, Howard, Bell, Welch, Ridgely, Dickinson, Sherwood, of Talbot, Colston, Bowie, Sprigg, Bowling, Wright, McHenry, Gwinn, Sherwood, of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Fitzpatrick and Cockey.—31.

*Negative.*—Messrs. Dent, Lee, Dorsey, Wells, Kent, Sellman, Weems, Bond, Brent, of Charles,

Merrick, Jenifer, John Dennis, James U. Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Miller, Spencer, Grason, George, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriner, Annan, Stephenson, Magraw, Nelson, Thawley, Stewart, of Caroline, Stewart, of Baltimore city, Brent, of Baltimore city, Ware, Kilgour, Waters, Weber, Hollyday, Smith, Shower and Brown—45.

So the amendment was rejected.

The question again recurred on the adoption of the amendment as offered by Mr. FITZPATRICK and amended on the motion of Mr. RIDGELY.

Mr. MERRICK was about to move his amendment, when

Mr. BOWIE suggested that it should come in as a separate section. He trusted that the Convention would strike out the proposition of the gentleman from Allegany.

Mr. SPENCER said that he was in favor of that course. If the plan was adopted to pay the expenses of the officers out of the fees of those offices, then the effect would be that the Clerks would so graduate the charges of their clerks that the fees of the offices would be entirely absorbed. The same extravagant system would be continued. Precisely the same frauds would be perpetrated as heretofore. He would ask for a division of the question ; to be taken first upon striking out.

The question being taken upon striking out, it was agreed to.

The question then recurred upon the insertion of the amendment offered by Mr. FITZPATRICK, and amended on the motion of Mr. RIDGELY.

Mr. HARBINE offered as a substitute for said amendment, the following:

“At its first session after the adoption of this Constitution, reduce and so graduate the fees and perquisites of the registers of wills in the several counties and the city of Baltimore, that no one of them shall receive more than a fair and reasonable compensation for performing the duties of his office.”

Mr. HARBINE said, that his amendment made it imperative upon the Legislature to act upon the subject. It said nothing upon the maximum salary to be given. He would not debate the question ; his general views upon it having been well expressed by the gentleman from Queen Anne's, (Mr. Spencer.) It seemed to him that in some places the office would be a sinecure, the clerk employing others to do the work, and receiving his regular salary. They ought to be paid in proportion to the amount of labor performed. He was opposed to a fixed salary. He wished the pay to come from the fees, and to be proportioned to the labor. His amendment was intended to steer clear of all the difficulties attending the proposition which had been proposed.

Mr. GRASON was in favor of the proposition just submitted. He understood the proposition about to be moved by the gentleman from Charles, (Mr. Merrick,) to be to leave the compensation to be fixed by the local authorities. He considered this as equivalent to leaving it to the officers themselves, to determine their own compensation. The commissioners were well acquainted