

said that he would not examine them for their worth. He had confidence in the clerk, and his client must rely upon him also. The charges varied in the different counties. There was no reason in the world why the fee bill of a whole suit need consist of more than two or three items.

He wished also to say that he should move to strike out from this or from any other bill any provision allowing fees to the register of wills. If there was any office in the State in which the services should be gratuitously performed for the people, that office was the registry of wills. The money was paid by widows and orphans; and none were more deserving of protection and commiseration. The register should be paid out of the treasury, either of the State or of the county; the charge being levied upon those who could afford it, and not upon the helpless.

Mr. BROWN said that whenever such an amendment as that could be offered, he would resist it with all his strength. What was to be done in the cases of copies?

Mr. RANDALL said that it was his intention that copies should be paid for at the usual rate.

Mr. BROWN proceeded to say that the orphans were the principle parties who would want copies; and all they could get clear of was paying for the recording of the will, and perhaps the letters of administration, which would not amount to a tenth part of the whole expense.—In reference to the county clerks, if a salary was fixed, he doubted whether the office would be well filled. It would not be for the interest of the clerk to attend promptly to his duties. If the plan was adopted that was proposed, the salaries in the large offices would make them mere sinecures; for clerks would be employed to perform all the duties. In these offices he was in favor of limiting the salary to \$2 500, and requiring the remainder to be paid over into the treasury. He knew of no better way to manage it than for those requiring the assistance of the court to pay for it.

Mr. HOWARD. We are falling upon strange times, when the gentleman from Carroll, (Mr. Brown) desires to prolong the debate, and I desire to cut it short. I move the previous question.

The motion was not agreed to—ayes, 23; noes, 33.

Mr. RICAUD moved to amend the amendment offered by Mr. MERRICK, by striking out the words proposed by the motion of Mr. TUCK, and inserting in lieu thereof the following:

“Provided the amount of compensation to any of said officers, shall not exceed the sum of twenty five hundred dollars per annum over and above office expenses and compensation to assistant; and provided further, that such compensation of clerks, registers, assistants and office expenses shall always be paid out of the fees or receipts of the offices respectively.”

Mr. SOLLERS said that he had had some experience in this matter of clerk's fees. He wished to suggest to the Convention a proposition,

which in his judgment was the only sort of remedy for the evils of the present system. No two bills, in any two counties in the State of Maryland, could be found alike, even though the cases were precisely alike. They would agree in hardly any particular. The charge depended upon the adroitness of the clerk in making entries, or his negligence in not making them. The clerk received for each motion five cents; &c., and when exceedingly adroit they would amount to a considerable sum. There were some clerks who neglected to make the entries; others who made all of them; and some, he feared, who entered more than all. Gentlemen need not expect any balance to be paid over to the State, for there would never be a balance. The plan which he would suggest, was to allow the clerk to charge so much for every case, specifying the amount for each kind of case, not allowing the charge to exceed that amount; distinguishing between criminal and civil cases. The clerk could then receive so much and no more for every case entered upon the docket.

Mr. BOWIE said that with a little amendment, the proposition of the gentleman from Charles might be made to suit the views of the gentleman from Calvert. He had always been in favor of uniform rates of charging. He would offer as a substitute for said amendment the following:

“And for the allowances and payment to said officers respectively, of fixed annual salaries or compensation by fees as the Legislature may in their discretion direct; said salaries or compensation in no case to exceed twenty-five hundred dollars and such additional allowances as may be necessary and proper with reference to the amount of business to be done for the compensation of assistants.”

This plan provided, said Mr. B., for the whole matter to be left to the Legislature; and this embraced every argument and every view which could be taken in favor of any plan.

Mr. SOLLERS hoped that the Convention would itself settle the matter, and settle it finally.

Mr. RANDALL inquired how much difference the gentleman from Calvert had known between two fee-bills.

Mr. SOLLERS replied, that he had known it very much to exceed one hundred per cent. In his own case, at one time, he had known such a difference. In a case in St. Mary's county, the clerk received \$80. In his own case, where there were twice as many witnesses he had received but \$16.50. He presumed it was partly owing to his not having charged as much as was due to him. He would undertake to affirm that no clerk could ever keep an account of the fees received. A copy might be asked for, which would come to fifteen cents. Should he keep a record of that?

Mr. BLAKISTONE explained that in the case in St. Mary's, alluded to, the guilty party had been unknown, and an immense number of summonses were sent out; whereas in the case in Calvert county, the guilty party was known, and that truth was avoided.