

none of our business, if the people choose to pay more. They have not done so, so far as I am aware. I hope the house will reconsider its action on that amendment if the gentleman construes it as I do, to cover all municipal officers.

Mr. ABBOTT. The reason why I voted in favor of the amendment was that I was not aware in doing so that it would affect the corporation officers. If it does, I hope the gentleman will change the language of it.

Mr. STIRLING. It may be so construed, for the officers of Baltimore city are officers under the laws of this State.

Mr. STOCKBRIDGE. If it is in order to offer an explanation, I will tell exactly what I meant. There have been certain officers, I may instance certain clerks, sheriffs, criers, officers about the courts in the State of Maryland, who have received fees to an amount larger than three thousand dollars, year after year, and have said that they were not officers of the State; that they were officers of the court. Those, in my apprehension, are just the sort of persons designed to be reached by this. When persons have a fixed salary, it is known; but there are none that have a fixed salary by the State that are obnoxious to this, either in the former constitution or as modified by the amendment. It was designed to meet just such cases and no others, where the fees and contingent emoluments of the office amount to more than three thousand dollars. The design is that in all such cases the excess should go to the State.

I do not think that the article as it has been amended, is obnoxious to the objection that is made to it. "Every person holding any office created by or existing under the constitution or laws of this State." In one sense everything that exists in the State is under the constitution and laws of the State. They have a certain power and control over it. We establish a corporation. Inasmuch as we give a legal existence to that corporation, in that sense the officers of the corporation are under the laws of the State, no matter what the corporation is—the Baltimore and Ohio Railroad Company, the Gas Company, or any other manufacturing company. But then they receive no fees or emolument from the people contingent upon their holding a public office. So we establish a municipal corporation, the corporation of Baltimore or any other city. It is true we give it a legal existence. So far as it depends on the laws of the State, it is under the constitution and laws of the State. But we neither fix the salaries, fees, or anything else under the laws of the State. Though they derive them from the people, it is under certain ordinances which the corporation create. It seems to me that these are not under the laws of the State in any proper sense of the term. I think that no city officers will be reached by that. I am not aware that any officer is paid by fees.

Mr. STIRLING. There is nothing about fees. It is "pay or compensation."

Mr. STOCKBRIDGE. Fees are compensation. Salary is compensation. There is no fixed salary of any State official in the State of Maryland which amounts to three thousand dollars.

Mr. STIRLING. The mayor's salary is three thousand dollars.

Mr. STOCKBRIDGE. That is under the laws of the city. The city solicitor gets three thousand dollars.

Mr. ABBOTT. I understand my colleague to say that this does not contemplate any officer of any incorporated company.

Mr. STOCKBRIDGE. I do not understand it to do so, municipal or any other.

Mr. MILLER. It is unfortunate; but the gentleman's say-so is not a part of the constitution.

Mr. STOCKBRIDGE. I have offered an amendment which I considered a proper one, and it has been adopted. If anybody wishes to modify it, he can make the motion.

Mr. STIRLING. Officers of the courts will still say that they are officers of the courts, and do not hold office under the constitution or laws.

Mr. THOMAS. I move to amend by striking out the words in the ninth and tenth lines, "treasurer of the State, for his inspection and that of the general assembly of the State," and inserting the words "county commissioners of the several counties, and to the register of the mayor and city council of Baltimore."

My object is this; that where there is an excess of fees paid by a county or city official, that excess of fees shall go back to the county or city taxed with the payment of the excess, and not to the State. I think the State is not entitled to any excess of fees that may accumulate in Baltimore county or Allegany county. If there is any excess of fees in the performance of official duties, it should go back to the tax payers that are taxed to pay those fees. If this amendment is carried, I shall move, in order to make it conform to this amendment, to amend so as to read "shall yearly pay over to the treasurers of the several counties, the amount of such excess by them received, subject to such disposition thereof as the county commissioners may direct."

Mr. STIRLING. I had not designed to vote for any amendment or to offer any to this section. I did not know there was any objection to it. But since it has been amended, I wish to say a word with regard to this proposition of my colleague. I did not design to make the motion; but if I had wished to make a motion it would have been to strike out this section from the constitution; for the legislature has power to provide for it. In point of fact this clause of the constitution now covers scarcely any officer in the State; for almost