

tually it all comes from the residents of the county.

Mr. RIDGELY. From the particular parties of the particular transactions.

Mr. CLARKE. Certainly; but it comes out of the pockets of the residents of the county.

Mr. DANIEL. The gentleman says that it pretty much all comes out of the pockets of residents. If plaintiffs always gained their suits, this might be so; but the plaintiffs as frequently lose as they gain, and then it comes out of the pockets of the plaintiffs, who may be citizens of Baltimore, or New York or Philadelphia. When the cases go against the plaintiffs, a great deal of the costs come out of the pockets of non-residents of the State. I fear the practical operation of this would be in the end to take so much out of the treasury, for I fear it would ultimately remain in the pocket of the officer who is to pay it, and now does pay it over to the State; because I fear that if it went to the counties and the city of Baltimore, there would be constant petitions to remit these moneys; and it would be much more likely to be remitted to the county officers or the city authorities if the charge was made. The result would be therefore to take so much out of the treasury and to give it to the officers.

Mr. CHAMBERS. My friend from Prince George's (Mr. Clarke) seems to have forgotten one thing. While the surplus fees are paid into the State treasury, he does not seem to have recollected that there is but a small return for the excessive costs which are expended by the State in the creation of those offices. His county has one judge receiving \$2,500 or \$3,000.

Mr. CLARKE. We have not one judge.

Mr. CHAMBERS. The two counties then have a judge; and of course there is expended by the State in that county but half that sum. How much is expended in Baltimore, where the great bulk of these fees are? Will the fees pay it? Your county helps to pay it.—My county, everybody's county helps to pay these salaries. The resident of the counties pays these taxes. He pays a tax on his horse, a tax on his negro I was about to say, but that is a gone business, a tax on his land. This is all paid by the individuals in the counties, and it goes into the treasury of the State. There is no return of it to the parties, as the gentleman from Baltimore county (Mr. Ridgely) has shown. If it were to be returned to the parties, there might be some justice in it. But you do not return it to the parties. The man who never had a suit in his life gets as much benefit from the surplus being returned to his county as the man who helped to pay the fees. It seems to me that the only proper way, simply as an act of justice, is to pay it into the treasury of the State. We of the small counties are all taxed to help to pay the salaries of the judges; and when there is a return of a surplus of receipts, I think it ought

to be to the treasury of the State. The last thing in the world that a delegate from the small counties would desire, would be to have it paid anywhere else but in the treasury of the State.

Mr. STIRLING. The gentleman seems to suppose that the State pays the expense of the courts. The State pays the salary of the judges, which is a very small proportion.—The counties pay the per diem of the judges of the orphans' courts from the county treasury, and pay the register of wills that portion of his fees which are not paid by suitors. The city of Baltimore pays eight thousand dollars to support the criminal court. The State pays for the judge \$2,000, and the city of Baltimore pays the other expenses, \$8,000. All the per diem of the bailiffs, all the expense of the witnesses, all the fees, and every contingent expense, the city pays; and it pays nearly the whole of the State's attorney's salary. That portion of his fees collected by the sheriff does not amount to more than \$300; and when the State's attorney gets \$4,500 he pays it all excepting \$3,000 into the State treasury. Every fee on the books which the clerk certifies is not collected, must be paid out of the city treasury. I know that when I was State's attorney I took the identical money I had received from the city treasury, and paid it into bank, and drew upon it for the benefit of the State treasury. I say that is taking the money out of the pockets of the county and the city, and paying it for no equivalent into the treasury of the State. There is no justice or equity in it. It is not compensated for by paying the salary of judges. It is a taxation without principle.

The PRESIDENT. If you abstract from the revenue of the State a source of revenue yielding \$50,000, how are you to replenish the treasury by that amount? It could only be by taxation. It amounts to the same thing.

Mr. MILLER. This is one of those cases of indirect taxation, which the State has always resorted to. I think if this provision in the old constitution had been properly enforced and thoroughly enforced, the State would have derived a much larger revenue than the report of the comptroller now shows. I hope that hereafter the provision will be enforced.—There was a species of officer alluded to the other day, who will be reached by it—the criers of the city of Baltimore who receive twelve or fifteen thousand dollars.

Mr. STIRLING. There is not a word of truth in that.

Mr. MILLER. We want the laws to be enforced as against all officers who come within the provisions of this section of the constitution. If it had been enforced as it ought to have been heretofore, I say the revenue of the State would have been greater, and the people to that extent would have been relieved from direct taxation. Abolish this source of revenue to the State, and we shall have to resort