to other taxes, either direct or indirect, to obtain a revenue. It has come out in the debate that there are a great many officers in the city of Baltimore who are receiving a very much larger sum than three thousand dollars a year in fees which they ought to pay over under this provision of the constitution.

Mr. STIRLING demanded the yeas and nays, and they were ordered.

Mr. HEBB. If this amendment is adopted, what will become of the fees of State officers?

The PRESIDENT. They will go by the board.

The question being taken, the result was —yeas 15, nays 36—as follows:

Yeas—Messrs. Audoun, Brooks, Brown, Clarke, Cunningham, Cushing, Duvall, Hatch, Kennard, Marbury, Markey, Stirling, Stockbridge, Sykes, Thomas—15.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Baker, Carter, Chambers, Daniel, Davis, of Washington, Dellinger, Dent, Ecker, Farrow, Galloway, Greene, Hebb, Hollyday, Horsey, King, Lansdale, Lee, McComas, Miller, Mullikin, Negley, Parker, Purnell, Ridgely, Russell, Scott, Smith, of Worcester, Snively, Swope, Todd, Valliant, Wickard, Wooden—36

The amendment was accordingly rejected.

No further amendment was offered.

Mr. DELLINGER moved that the convention take a recess.

The motion was rejected—ayes 25, noes 26.

COMMON LAW.

The next section was read as follows:

"Sec. 2. The common law and statute law now in force, and not repugnant to this constitution, shall remain in force, until they expire by their own limitation, or are altered by the general assembly."

Mr. MILLER. I move to strike out that section. I do it for this reason: that I never heard before of a provision of any constitution, or of any writer on law, or any legal gentleman making the assertion that the common law expires by its own limitation. It is a provision that the common law, as well as the statute law now in force, and not repugnant to this constitution, shall remain in force until it expires by its own limitation. We have provided for all that in the bill of rights—The way in which it should be put in, if it is to be put in the constitution at all, is that the common law, by which is meant the common law of England, shall prevail in the State of Maryland, and that the inhabitants of the State of Maryland shall be entitled to the benefits of the common law, and of such statutes of England changing their law as existed at the time of our revolution, and as were found applicable to our peculiar circumstances, not having been re-enacted by our legislature. That provision is contained in our bill of rights. The third article is:

"Art. 3. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law, and to the benefit of such of the English statutes as existed on the fourth day of July, seventeen hundred and seventy-six, and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the courts of law or equity, and also of acts of assembly in force on the first day of June, eighteen hundred and sixty-four, except such as may have since expired or may be inconsistent with the provisions of this constitution, subject nevertheless, to the revision of and amendment or repeal by the legislature of this State; and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his Majesty, Charles the First, to Cecilius Calvert, Baron of Baltimore."

Does this mean anything more than that? If it means that, it ought to have been expressed in such language. To say that the common law shall continue in force until it shall expire by its own limitation, appears to my mind a proposition that does not sound very proper to be expressed in a constitution. The common law continues in force. It is one of our birthrights, that we have inherited and received from our ancestors. It is properly expressed as among the rights of the people of the State of Maryland. It is not something to be provided for as something that shall continue, implying that it would not continue unless we declared by a special provision that it should continue. I think the section is altogether unnecessary.

Mr. RIDGELY. The gentleman has taken the ground that this is already provided for in the bill of rights. I shall not take any issue with him there. Then he expresses surprise that anybody should undertake to assert such a proposition as is implied in the language employed in this section, and says that nobody ever heard of such a proposition. Now I will take up this book of constitutions, and open to one of them. I find in the schedule attached to the constitution of Michigan this very language, and in all probability I took it from there. I have no recollection now whether I did or not—the only difference being that in that schedule the language is "the common law and the statute laws," putting the word in the plural, and that the final clause is, "or are altered or repealed by the legislature," from which I omitted the word "repealed." It is certainly not a very extraordinary provision. It is simply to declare that it shall continue until the legislature shall change it. If there is any harm in that proposition I cannot see it.

Mr. CHAMBERS. The gentleman will admit that to speak of the common law expiring is not a proper expression. You might as well talk about immortality coming to an end.