

ment you tell him that his quiet, orderly neighbor, with whom he wishes to go to law, has to pay a part of the expense—perhaps the greater part of it—you give him a license—you in fact offer him a premium to go to law, and instead of diminishing litigation, you actually increase it by the cheapened process you adopt and the premium you offer to litigious persons to go to law.

Thirdly, If it be right to adopt this system, to cheapen this process of litigation, then I take it for granted, upon the universal principle that reduced price increases business—that we shall have considerably increased revenues from those offices—at all events, we are not likely to have them diminished—in that case, the object of my amendment is to secure any excess over and above the fixed salary of the officer to the city or county in which it originates for county purposes. If the motion to reconsider prevails, I will offer the following amendment:

“And that any excess of fees over and above the salary of such officer or officers shall be paid into the county treasury for the use of said county.”

Mr. RIDGELY said that the reason assigned by the gentleman from Montgomery, for the reconsideration of the proposition, which he had the honor to offer, and which by a very decided vote of the Convention, was incorporated into the Constitution, seemed to be not well founded.—There was no part of that proposition which contemplated the abolition of the fees of clerks.

Mr. DAVIS. The reduction of fees, I said.

Mr. RIDGELY said that there was no part of that proposition which contemplated any change whatever, in the taxes that were now collected in the clerk's and register's offices in every county. It simply proposed a change in the mode of compensation. The Convention would understand that the change was merely in the mode of compensation. It proposed further to give the Legislature the power to reduce the costs and legal expenses, incident to litigation; thus addressing the subject entirely to the discretion of the general Assembly, in relation to the whole matter; the Convention entirely avoiding entering into the details of regulating this question—leaving it where it properly belonged, to the Legislature of the State. So far as regarded the purposes for which it was proposed to reconsider the proposition, to permit the gentleman to incorporate into it a provision to secure any excess over and above the salary of the officer, to the city or county in which it was paid—he must say that he was opposed to it.—His [Mr. R.] object was to relieve the people from the payment of the excessive taxes incident to laws. The gentleman proposed to continue this rate of taxation.

Mr. DAVIS. Not at all.

Mr. RIDGELY said, that the gentleman proposed to pay into the treasuries of the several counties the excess over the reasonable amount which might be paid to these officers as compensation for their services. He (Mr. R.) proposed to leave it in the pockets of the people. He hoped that the Convention understood the

proposition and would refuse to agree to the motion of the gentleman from Montgomery.

Mr. BOWIE was rather inclined to think that this forty-first section was adopted by the Convention without reference to some of the provisions which were incorporated into the report of the judiciary committee. He agreed with the gentleman from Baltimore county, (Mr. Ridgely,) in the necessity of some regulation, either by law or constitutional provision, in regard to some of the offices mentioned in section forty-one. For instance, he thought that the office of Register of Wills, should be made a salaried office, and that all the fees of that office should be abolished. He considered it as a fair charge upon the different counties of the State, and the city of Baltimore, for every man's estate must necessarily go through that office. Therefore, he conceived that there was some propriety and reason in the idea of making it a common charge upon the people. He agreed with his friend from Baltimore county, that very great and serious complaints were continually made by the people in reference to the fees of the Register of Wills.

But there was great difficulty in regard to the Clerks of the county courts. The same reasons would not apply to these officers as to the Registers of Wills. If they should make the Clerks of the county courts salaried officers, they were charging the whole public with the costs of litigation, which would not be altogether fair or just. If his friend would look at the report of the judiciary committee, he would find that this state of things was provided for in that report. He could not see the propriety of the counties raising a tax upon the people for the purpose of paying it into the State treasury, or county treasury, and paying it out afterwards in the way of salaries to the Clerks of the courts. The true principle was to go to work, and cut down the fees to a reasonable amount, or incorporate into the Constitution a provision by which the Legislature would be required to do this. The judiciary committee had done this in their report. In reference to the Registers of Wills, they had provided that they should be salaried officers, and that all fees should be abolished, because they regarded it as a fair charge upon the people; but in regard to the Clerks of the County Courts, they had provided that it should be the duty of the Legislature to prescribe some other mode, uniform throughout the State, by which the fees of this office should be graduated. All this was very feasible and very practicable. But he could not see the propriety nor justice of making the Clerks of county courts salaried officers. As his friend from Montgomery had said, they would be making those who did not litigate, pay the expenses of those who did. If the report of the judiciary committee, in this respect, should meet with the sanction of the Convention, he thought that the gentleman from Baltimore county, would see that a great portion of the evil contemplated would be provided for, and the objectionable part could be stricken out. For these reasons, then, they should reconsider the section, and confine the remedy to the evils as they existed in point of fact.