

It was well known that the existing rate of fees, was changed under the act of 1826. There was great complaint among the people of the counties, that these fees were too large, and of so complex a nature as to be not easily understood. That another and better mode might be adopted by the Legislature in place of salaries for Clerks, he had no doubt. They could say that the parties bringing the suit shall pay so much, so as not to reduce the fees to such an amount as to render the office of Clerk worthless, but to keep them up to such a standard as would secure the services of competent clerks. His friend from St. Mary's, (Mr. Morgan,) at the last session of the Legislature, reported a bill which he did him the honor to submit to him, and which he approved of, and which, if carried out by this body, would remedy the evil, without inflicting wrong upon any clerk. The people desired to know with certainty, when they commenced litigation, how much they would have to pay in the form of fees, &c., and if they would make them certain, they would be satisfied. He did not mean to say that the clerks got too much, for in some counties they received too little.

He would vote for the motion to reconsider, and if the motion should be carried, he would move to strike from the proposition the words, "clerks of county courts," so as to make it applicable only to Registers of Wills.

Mr. DAVIS desired to correct the statement of the gentleman from Baltimore county, [Mr. Ridgely,] that he, [Mr. D.] was opposed to the reduction of the fees of clerks and registers.—The gentleman had misunderstood him. His remark was, that if the Convention thought proper to adopt the proposition of the gentleman, he desired to secure the excess, if any, to the county or city, where it accrued. But he had great doubts as to its expediency.

Mr. GWINN did not comprehend the full force of the argument of the gentleman from Prince George's, (Mr. Bowie.) The sole question in his, (Mr. G's.,) mind was this: Whether, under the present system, the clerks of the county courts and the registers of wills, were not paid more than was sufficient to remunerate the services performed. If this were true, it was proper to enjoin upon the legislature the adoption of some more equitable system.

Mr. BOWIE explained, that he said that he did not see the propriety of laying taxes on the people, for the purpose of putting money into the treasury, to be paid out again.

Mr. GWINN said:

That he was not now speaking as to the disposition of surplus fees, but as to the method of compensation, though he might assume that the surplus money would be of more advantage to the public, if paid into the common treasury, than into the pocket of the clerk. As matters now stood, it was certain that some officers were overpaid. He had good reason to believe that the office of clerk in Baltimore county court, was worth about six thousand a year; and that the office of register of wills approximated in value to the same sum. So too, the office of

clerk of Baltimore city court was scarcely inferior in value and according to common belief. It was true that the system, under which these officers derived their emoluments, was uniform throughout the State, yet it paid to them a sum far beyond what was required to furnish the requisite ability, industry, and integrity for the offices in question. What was the remedy? The only mode would be to let the legislature fix a salary, justly proportioned to the services performed, and make such a disposition of the surplus fees as they might think proper.

Was he to be told that the fifteen hundred dollars was an abundant compensation for the register of wills in Somerset county, under the present fee system, where the same amount of business talent and integrity was required—but that the same officer in Baltimore, for the performance of the same duties should receive five times the compensation? It was altogether out of reason. The continuance of this system had done more to excite a feeling in Baltimore city and the counties against the present Constitution than almost any other abuse. It was a scandal upon our laws that offices of a character so subordinate within the limits of the State of Maryland, should pay a larger compensation than was given to the highest functionaries under the Constitution of the United States.

He could see no distinction between the office of Register of Wills, and that of Clerk to the County Court. The suitor had the same interest in the Orphan's Court as in the County Court; nor could he see any reason, why the pay of the Register of Wills should be charged upon the public treasury, while the fees of the County Clerk should be paid by individual suitors. In fine, the sum of the argument was that a man should be paid in proportion to the services rendered the State. The Governor received salary only. The judges, chosen for their superior knowledge and integrity, were remunerated in the same way—what possible reason was there, why a mere clerk, whose duties were chiefly matters of manual detail and office experience, should be lavishly rewarded by a system of taxation; the necessary tendency of which was to multiply the forms of office?

He was in favor of the proposition of the gentleman from Baltimore county, because he thought it embraced all that could be desired. It would do more to procure a speedy and suitable economy in the administration of State affairs, and make the Constitution more popular, than any article which they had engrafted upon it.

Mr. MORGAN said:

That this subject had for a long time engrossed public attention, both anterior and subsequent to the passage of the act of 1826, and no remedy to correct the grievances complained of had yet been applied. It had claimed the attention of the Legislature last winter, and the conclusions he had come to then, upon an examination of the whole question, were different from those contained in the section of the Constitution, which had been adopted by this Convention, and now asked to be reconsidered. The latter clause of