the section directing the Legislature to pass laws reducing and rendering uniform the fees throughout the whole State met his approval, he should however vote for the reconsideration, because he doubted the propriety of giving fixed salaries to the clerks of the county courts as prescribed in the first part of the same section. Gentlemen, it seemed to him, had applied the improper remedy to relieve the people, when they advocated fixed salaries. What occasioned the great outcry against this act of 1826? It was the uncertain, and excessive rates of charge prescribed in the schedule of that act. The only remedy then was to render certain that which was uncertain, and to reduce that which was excessive. To do this your legislation must be directed to the reduction and uniformity of the fees, and not so much to the ascertainment of the salary of the officer A fixed salary is liable to two objections—it must either be levied upon the people and be taken from the County Treasury. or it must be paid from the fees of office. If paid out of the County Treasury it would by no means fall equally upon all the people. More than two-thirds of the people of a county upon an average, never enter a court of justice to redress a wrong or to enforce a right, hence if you levy a tax to pay a salary to the clerk you oblige this class of persons to contribute towards the expense of lawsuits in which they have no interest or concern. You make in nine cases out of ten the non-suitor, who has no interest in the trial of causes, pay double as much as the suitor who may institute or the party who may defend the action. Taxes should never be levied except for the public good, and where each and every individual has an interest in the object for which the tax is required in proportion to the sum paid in. Now what interest has an individual in contributing to pay the salary of an officer whose business it is to keep the records and proceedings of cases to which he is no party, an entire stranger, and in which he has no interest? None whatever Such a tax would be manifestly unjust to a large portion of the people of any county; its tendencies would be to throw open the doors of your courts of justice for the most trivial causes, and to invite within them the most vicious and litigious of the community as suitors at the public expense.

This, in his opinion, would be the effect of a fixed salary, paid out of the public treasury.—How would it be if paid out of the fees of office? Gentlemen should recollect that these fees of office are fluctuating, and are altogether controlled in their amount, by the business of the courts, in the respective counties. Some years the amount may be large, greatly exceeding any salary that may be fixed, whilst at other times the diminished business of the courts may not yield a sum sufficient to pay the salary. In the first case, the fees arising above the salary would be a fund for the county treasury. This surplusage would be exacted how? From those whose misfortune, for misfortune it is at best, had forced them into a court of justice. Not only would they contribute to pay the expenses of the court, but you would require of them a tribute upon their necessities to distribute for public purposes. This he conceived unjust towards suitors, whilst at the same time it would by no means relieve the people from the payment of the fees, for when the fees of office are the fund out of which these salaries are to be paid, a schedule high enough to meet any anticipated deficiency in consequence of the reduction of business, must always be provided. Hence you must of necessity keep up the rates of fees, which we all desire so much to have changed. What relief would it be to the people of his county, to fix a salary for the clerk at $1500 or $2.000 per year, to be paid out of the fees—when you have in order to pay the salary to keep the rate of fees high, nearly as high as the present rate? All who know any thing of the character of the fees arising in courts of justice, know this. A considerable portion of the fees arise upon cases that are insolvent. and which it is impossible to collect, hence in fixing your rate of charge, you must assess the fees in solvent cases high enough to meet any deficiencies growing out of insolvencies, so that the aggregate sum collected may cover the salary prescribed for the officer. The effect of this system, he believed, would be in the smaller counties, where the business of the courts were limited, to keep up the present high charges, without any material change from the rates fixed in the act of 1826, which we all condemn. Again: who do you propose to make the collector of these fees? The clerk himself. Now, these fees in their collection, require a great deal of attention and much labor; and when you offer to the clerk no inducement but his salary to collect them, you at once offer an inducement to him not to collect beyond his salary. His word for it, many of these officers would collect enough to pay themselves, and the surplusage would never be collected to place in the county treasury or anywhere else.

This question of fees, as he before said, was taken up by the Legislature last winter. As a member of the committee to which it was referred, he had given it a great deal of thought and reflection. It was one attended with much difficulty, not in lowering the fees, but in fixing the rates of charge at such a standard, as would at the same time relieve the people, and pay the officer such a compensation as he ought to receive. The objection to a fixed salary which he had stated had then oocurred to him, and the only remedy he saw that could be applied, was to abolish the whole act of 1826, and to pass in its stead, a law allowing so much to the clerk, by every plaintiff upon instituting a suit, and so much upon the appearance of every defendant, in lieu of all fees, and upon the rendition of the judgment the plaintiff or defendant, as the case might be, in whose favor the judgment was given, to have the cost which he had paid. This though was a matter of detail altogether for the Legislature, and not proper to be prescribed as a part of the organic law by this Convention—the most we could do, would be to pass an article enjoin-