

ing such action upon the Legislature as would ensure the object desired.

His friend from Baltimore city, (Mr. Gwinn,) had complained that clerks had received enormous compensation under the act of 1826, although, he said, that act was uniform throughout the whole State, and this, his friend thought, would be the evil resulting from any system other than the one fixing the salaries. In the first place, he was sure his friend had not examined that act, with his usual care and accuracy, else he would have come to a very different conclusion. The want of uniformity, not in the act itself, but in the construction under the act, was the great evil complained of, and his friend was the first lawyer in the State, whom he had ever heard advance the opposite opinion. The operation of the act might be uniform in the courts of Baltimore, in which his friend had obtained the experience for the opinion he had given, but he would ask any gentleman out of the large number of the legal profession upon this floor, if in the circuit in which they practice in other parts of the State, any two clerks in any two of the counties, charge similar fees under that act. This was no fault of the clerk; the evil was the doubtful construction permitted by the act, in applying its provisions to the business done by the clerk, both in and out of court. Where the construction was doubtful, it could not be expected that every clerk in Maryland, should arrive at the same conclusion upon some possibly two or three hundred different items of charge presented in the schedule of that law. Hence it was that the operation of the act was not uniform, and allowed a construction that covered the excessive fees of which his friend complained. But by the passage of a law, such as had been suggested, directing the payment of fees by the plaintiff and defendant in gross, and not as prescribed by the present law, this difficulty was gotten rid of in the only manner it could be to give relief, it would also advertise every man who entered the court house, of the costs of his case, before commencing it, and would abolish the whole system of fees, which since the institution of the State government had been harrassing the people in the hands of sheriffs and other officers.

Again, the gentleman had said that he saw no difference between the case of a register and a clerk, to entitle the former to a salary. He [Mr. M.] had not yet made up his mind as to the propriety of making the register an officer of fixed salary but with his friend from Prince George's, (Mr. Bowie,) he could see a wide difference between the two officers as to the operation of their duties upon the property of the community. The clerk is only compensated by the suitors of his court, and by far the largest amount of the property of the people never come under the judgment of that court; hence it is that in his case, by levying a sum for a fixed salary, you would tax the owners of property to pay for services which they, nor their representatives, may never receive and never require. In the case of the register, nothing in this world is so certain as death, and so sure as death comes,

the property of the party dying must pass under the supervision of the register, and be subject, in proportion to amount and trouble, to fees of office. This is necessary under the operation of law, because no title can pass to parties who have property thrown upon them by the death of relations or friends, without a granting of letters of administration by the probate judges. Hence as the recurrence of each cycle that terminates the period of a generation, arrives, all the property of the community passes then, by force of law, under the charge of the register. The property of the whole people may then be said, sooner or later, to be interested in the duties that pertain to the register. He could see a wide difference between the case of the register and clerk, operating to make the former an officer of fixed compensation, though he would not now say that he was prepared even to go that far.

For the purpose of inserting an article enjoining upon the Legislature to make all fees uniform, plain and intelligible, to reduce them by an abolition of the act of 1826, to give a knowledge to each suitor of the amount of his costs in the enforcement of his rights, none of which objects, he thought, the section adopted by this Convention would accomplish; he hoped the motion to reconsider would prevail, he should vote for it with pleasure.

The question being on the motion to reconsider.

Mr. DAVIS demanded the yeas and nays, which were ordered, and being taken, resulted as follows:

*Affirmative*—Messrs. Morgan, Blakistone, Hopewell, Ricard, Chambers of Kt., Donaldson, Wells, Sellman, Sollers, J. Dennis, J. U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, George, Dirickson, McMaster, Hearn, Thomas, Thawley, Brent of Baltimore city, Schley, Fiery, Michael Newcomer, Davis, Waters, Anderson, Weber, and Smith—37.

*Negative*—Messrs. Chapman, Pres't., Howard, Buchanan, Welch, Ridgely, Colston, McCullough, Shriver, Baser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart of Caroline, Gwinn, Sherwood of Baltimore city, Ware, Neill, Kilgour, Slicer, Fitzpatrick, Showler, Cockey, and Brown—24.

So the Convention reconsidered their vote on said article.

The question being on agreeing to said article.

Mr. BOWIE said that inasmuch as this subject was provided for in the judiciary report, it was extremely proper to lay this proposition by until the Convention had considered that report. He, therefore, moved, that the further consideration of this subject be postponed.

The motion was agreed to.

On motion of Mr. SOLLERS, the Convention took up for consideration the following report submitted by him on the third instant, as chairman of the committee on the further amendments and revisions of the Constitution:

1st. That this form of Government and the Declaration of Rights, and any part thereof may be altered, changed or abolished by the passage