

the legislature to fix the maximum, it would be subject to abuse. He would therefore move to add at the end of the amendment, the following:

"Provided no register shall receive a greater compensation for his services than the sum of \$2,500 per annum, but the legislature may provide for the expenses of the office such compensation to be paid out of the fees of office as may be reasonable and proper."

Mr. BRENT, of Baltimore, suggested that the whole could better be left to the legislature, and moved to postpone the further consideration of the section and the amendments.

The motion was rejected.

Mr. MERRICK said that the people complained loudly of the grievances growing out of the fees of these offices, but that as there was no time was to arrange a system, it would be better to leave mandatory directors to the legislature by which other grievances might be removed. It would be no great difficulty to remove these annoyances of fee bills, and at the same time to give adequate, just, and equal compensation to these officers throughout the State of Maryland. There ought to be a fixed salary all over the State; and as different amounts of labor would be required in different offices, the county commissioners might be authorized to judge of the amount of assistance required, and to make a proper allowance for clerks in addition to the fixed salary. He hoped the House would adopt the amendment proposed.

Mr. RIDGELY remarked, that the proposition of the gentleman from Baltimore city, (Mr. Brent,) was entirely vague, giving the Legislature power to give whatever compensation they thought proper, and not restricting them from giving those very salaries complained of as being so enormous. He believed that \$2500, the salary of the Chief Justice of the State, and of the Judges of the State, was sufficient as a maximum salary; while in some cases it might be proper that it should be less.

Mr. SPENCER believed that the latter portion of the amendment would defeat the entire object. The same evil would exist that now exists, because these fees would all be swallowed up in the expenses of the office. He would be glad to know the number of clerks required in the office in Baltimore city to carry on the duties of the office, and then he could vote upon the maximum to be allowed to the register or clerk of that city.

Mr. GWINN suggested that it would be as well to fix the salaries of the clerks and registers by the Constitution, and leave all the details to be fixed by the Legislature. He had in his room a statement with regard to the number of clerks; but he could not now speak with certainty.

Mr. DORSEY was satisfied from all that had been said, that these ought not to be salaried officers. The Convention had been called for retrenchment and reform; but would be called prodigal and spendthrift in the multiplication of salaried officers. It was true that it was impossible now to ascertain what the fees had been; because they were received by the clerks, and no entry was made; but every register and every

clerk could be required to make a record of all fees hereafter received by him, and that record might be open to the inspection of the Legislature. This would enable the Legislature to act understandingly upon the subject. It was said that enormous sums were now paid for copies never called for and never wanted. The Legislature could provide for all contingencies and remedy all abuses. But if it was attempted to give salaries, and to require the payment into the Treasury of all the fees above those salaries, not a cent would be got. The officers would discharge their duties less faithfully, and would not take the trouble to collect the fees excepting so far as to pay the salary allowed. There was no time for the Convention to consider the matter, and he trusted that the Legislature would be directed to prepare a system by which justice should be done.

Mr. JENIFER said that at present the registers have in their power if they are dishonest, to oppress the persons who visited the courts, because they could not know what fees should be charged. He had known clients to go to their counsel to inquire, and the counsel themselves would admit that under the present system of fees, they could not know whether the fee bills were correct or not. If the register or clerk was disposed to overcharge, he could do it with perfect impunity. If, however, a salary was given, and the inducement was taken away to commit fraud, this evil would be remedied. The Convention could not properly go into details. It would be well to direct the Legislature to provide a system by which a fixed salary should be paid to these officers, and the fees should be so regulated as to make suitors pay as little as possible, in order to secure the accomplishment of justice. If there was an evil complained of more than another, it was the want of uniformity in the charges of registers and clerks. Three adjoining counties could not be found where they would be uniform.

Mr. SPENCER demanded the yeas and nays on the amendment of Mr. RIDGELY.

Which were ordered;

And being taken resulted—yeas 52, nays 24, as follows:

Affirmative.—Messrs. Chapman, President, Morgan, Hopewell, Ricaud, Mitchell, Donaldson, Dorsey, Sellman, Weems, Bond, Brent, of Cha's., Merrick, Jenifer, Howard, Bell, Welch, Ridgely, Dickinson, Colston, John Dennis, James C. Dennis, Eccleston, Chambers; of Cecil. McCullough, Miller, Bowie, Tuck, Sprigg, Bowling, Dirickson, McMaster, Hearn, Fooks, Thomas, Shriver, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Ware, Neill, Kilgour, Waters, Hollyday, Cockey and Brown—52.

Negative.—Messrs. Lee, Wells, Sherwood, of Talbot, Dashiell, Hicks, Spencer, Grason, George, Wright, Sappington, Thawley, Brent, of Baltimore city, Schley, Fiery, John Newcomer, Harbaine, Michael Newcomer, Brewer, Anderson, Weber, Fitzpatrick, Smith and Shower—24.