

Mr. MORGAN moved to strike out the word "eighteen" and insert the word "fifteen;" so that the salary of the commissioner of the land office should be \$1,500 a year.

Upon this question Mr. MORGAN asked for the yeas and nays, and they were ordered.

The question was then taken, by yeas and nays, and resulted—yeas 16, nays 47—as follows:

*Yeas*—Messrs. Annan, Bond, Briscoe, Brown, Dennis, Gale, Horsey, Johnson, Lee, Marlbury, Morgan, Parker, Parran, Turner, Wickard, Wiltmer—16.

*Nays*—Messrs. Goldsborough, President; Abbott, Audoun, Baker, Blackiston, Carter, Chambers, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Earle, Ecker, Farrow, Greene, Harwood, Hebb, Hopkins, Hopper, Jones, of Cecil, Keefer, Kennard, King, Lansdale, Markey, McComas, Miller, Mullikin, Murray, Negley, Peter, Pugh, Purnell, Robinette, Russell, Sands, Schley, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swepe, Sykes, Valliant, Wooden—47.

The amendment was accordingly rejected.

Mr. KING moved to strike out the word "now" in line ten.

The amendment was rejected.

Mr. HEBB. The provision in the old constitution makes no provision for a new election. The question arose after the first term expired; and although there was no provision made to elect another, yet there was one nominated and elected. I move to amend by inserting in line three, after the words, "sixty-nine," the words, "and on the same day in every sixth year thereafter."

The amendment was agreed to.

Mr. DANIEL moved to insert in line eleven, after the word "office," the words "or such as may hereafter be prescribed by law."

The amendment was agreed to.

Mr. BRISCOE. I move to strike out the whole of the second section; and I submit the motion for the purpose of eliciting some information upon the necessity for this office. As the constitution now stands, provision is made for a commissioner of the land office. This constitution was adopted in 1850. Subsequent to that time, the legislature of this State, under a law termed the riparian bill, has diminished the revenues of that office to such an extent, I believe, as to make them no longer sufficient to support this officer. I know that the present incumbent of the office was elected under the impression that the fees of the office would be sufficient to support and sustain him. In consequence of the passage of the riparian bill prohibiting the issuing of warrants for taking up lands on the banks of navigable waters in the State, the fees of the office were so much diminished that they were not sufficient to sustain him. The legislature, to give him the support which the passage of that bill had taken from

him, clothed him with the duties of keeper of the chancery records in the city of Annapolis, and also attached to his income that salary. As one of the legislature I voted for that bill last winter under the impression that it was nothing more than due to him and due to his position, and the circumstances under which he took the office, that he should have additional compensation for his services in order to keep him.

The clause relating to his salary is I think a departure from the ordinary and sound rule concerning public offices. It gives him a salary instead of allowing his support to be derived from the fees incident to his office. On that ground I should object to the adoption of this section. I think that it is a bad principle in all offices, which are dependent upon fees. The general rule should be to have the fees paid to the officer instead of being paid into the treasury.

Now, the question is: What reason have we for incorporating this section to create forever an office with a salary of \$1,800 a year, accompanied by the performance of certain duties for fees, as keeper of the chancery record and as commissioner of the land office? The fact is admitted that by reason of the legislation of the State, passed, I believe, some two or three years ago, the duties of the commissioner of the land office have been immeasurably diminished. We know very well that the only duties he has to perform now, as an ordinary thing, in the land office, are to issue his warrants to take up some vacant lands in Allegany or the western part of the State. These applications come in very few and far between. So far then as the absolute necessity of keeping up that office at a salary and an expense, I deny that there is any necessity for it at this time.

I should like to inquire of some gentleman of the convention who is conversant with his duties as keeper of the chancery records, what are the duties imposed upon him for which we propose to give him this salary? Is there a necessity for it? If there is any occasion for such an officer, I am willing that he should receive a fair remuneration for his services. Perhaps the gentleman from Anne Arundel (Mr. Miller) can tell us what are the duties now required of the keeper of the chancery record, and if the duties necessarily required of that officer are such as would justify us in giving this salary.

Without this information I cannot vote for the section as it now stands. I wish to learn if it is the case that the duties connected with these two offices are merely nominal at this time, so as not to justify us in establishing a salary of \$1,500, \$1,800, or even \$1,000. We all know very well that the court of chancery has been abolished for the last ten years in the State of Maryland. Is it not a mere matter of form to have an officer in the city of Annapolis, to go on or