

twice a week or a month into this office of chancery, in order to give somebody a search for which he is compensated by the fees?

This proposition therefore embraces an entire departure from the ordinary rule adopted heretofore, and that is the first reason why I am opposed to it. If this gentleman performs duties as keeper of the chancery record, I am perfectly willing he should have the benefit of the fees. If his duties require him to perform any labors as commissioner of the land office, I am willing he should have the fees incident to the performance of those duties, which as an ordinary rule are, I think, a sufficient consideration. I throw out these hints to elicit some information; and I make the inquiry of the gentleman from Anne Arundel, from his knowledge of the matter.

Mr. MILLER. So far as the duties of the commissioner of the land office relate to the keeping of the chancery records, I do not know why the gentleman from Calvert should have inquired of me more than any other member of the convention.

Mr. BRISCOE. As a resident of Annapolis, and member of the bar.

Mr. MILLER. At the time of the abolition of the old chancery court there were a vast number of records of cases, some of them undisposed of. For the proper preservation of these records, there was a provision for transferring to the several counties of the State the cases undisposed of, and other cases which it might be necessary to remove from the chancery office to the counties where the parties resided. A great many of these cases were removed. Still there is a vast number of cases in the land office, and a vast amount of matter all important to the people of the State and necessary to be preserved and taken care of by somebody. I know that searches are frequently made in the chancery office for titles and for other purposes. There are quite a large number of important records there preserved, which I do not think could be effectually sent at once to the counties, but under the provisions of law as the cases arise they may be sent off.

I think it is the duty of the keeper of the chancery records to preserve these records with care, and to assist any person who comes there to search for titles or papers; and whenever an order comes for the transfer of cases, still remaining there to their respective counties, that, so far as I understand it, is the duty of the keeper of the chancery record.

In reference to what my friend from Calvert (Mr. Briscoe) has stated upon another branch of the proposition in reference to the land titles of the State, I do not fully agree with him that it is unimportant. I know that there was a law passed a few years ago repealing the law authorizing the taking up of land covered by navigable waters. So far as the issuing of patents in that respect is

concerned, there is no further jurisdiction in the land office to do it. But the title to all the lands in this State, where the State itself becomes the proprietor, either by escheat or in any other way, if there are any vacant or unappropriated lands, or if there are any accretions of land—for the State is constantly becoming the proprietor of lands—is necessarily vested in some officer of the State who is entitled under the laws to issue warrants for it. The office of commissioner of the land office is important in that respect. It is well known that in former times the chancellor of the State was the judge of the land office. When the chancellor office was abolished in 1750, it became necessary either to transfer this duty to some of the circuit judges or to make some disposition of it; and it was then decided to create this office, and the commissioner of the land office was clothed with all the powers the judge of the land office formerly had and exercised.

That is, I suppose, all the statement the gentleman from Calvert desired me to make upon the subject.

Mr. STOCKBRIDGE. After the court of chancery was abolished, upon the adoption of the constitution of 1851, the legislature of 1854, chapter 149, passed an act to provide for the appointment of keeper of the records in the court of chancery. That was amended in 1856, chapter 132, still providing for a keeper of the records of the court of chancery, with a salary of \$1,000. That was continued until the general assembly of 1862 was in session. An amendment adopted by the legislature of 1862, chapter 208, places the records of the court of chancery in the custody of the commissioner of the land office, and they still so remain. I do not recollect any action having been taken upon the subject by the general assembly of 1864, nor do I find any law upon the subject in the index to the volume of laws for that year, or in the journal of the house. But the house received from the commissioner of the land office, as I well remember, and I find it also among the documents of that session, a report with reference to the cases remaining in his custody as keeper of the chancery records: from which it appears that during the time which had elapsed since he came into the office until the legislature was in session in 1864, he had transferred by order to the several counties of the State some five or six cases only, and there remained in his office undisposed of and unfinished, a file of cases, of which he gives the names *in extenso*, amounting to over a thousand cases—I think, without counting them exactly—there must be about twelve hundred.

Not being one of the committee I did not examine this question, and I am not prepared to say, whether without detriment to the public service this office can be dispensed with. Upon a very slight examination it