

ever that the legislature may by certain laws create additional duties proper for that officer or somebody else to perform; and the fees may increase and the necessity for the office may become greater.

Mr. BRISCOE demanded the yeas and nays, and they were ordered.

Mr. SANDS. It seems to me that this office is an important and necessary one for the people of the State. If it is important, it is necessary that we should retain it even if we do pay a large salary. It is agreed on all hands that the office not only costs nothing at present, but actually pays revenue to the State. If the office is an important one, we ought to continue it. There might perhaps be some other provision by which in future, after the expiration of the term of the present incumbent, the legislature might provide for the necessities of the case. I would prefer some such provision as that.

Mr. BRISCOE. I propose to offer a substitute for the section.

Mr. SANDS. I shall have to know what the substitute is before I vote for striking out the section.

Mr. BRISCOE. It is simply for the appointment of an officer, with a designated salary, clothed with these duties, to be under the control of the legislature. The amount of salary will of course be determined by the house. I shall put it at \$1,800.

Mr. SANDS. After the expiration of the time of the present incumbent?

Mr. BRISCOE. Yes, sir.

Mr. SANDS. I should be willing myself, after the expiration of the term of the present incumbent, to leave it an open question for the legislature; but I should not be willing to do anything to touch the rights of the present incumbent.

Mr. CHAMBERS. I suggest that we pass over this section. The commissioner of the land office and the keeper of the chancery records, however few may be his duties, has very clear duties to perform. They are duties not performed by any other officer of the State. There is no other jurisdiction for his duties, which are chiefly judicial in their character. There would seem to be a propriety in having an officer existing in the State with the powers belonging to this officer. We may give the jurisdiction to another office. It is the duty of the commissioner of the land office to examine patents, to decide as to the rights of patentees between different claimants. If there is to be provision made for an officer by some other title, let us see what it is. Let us give the gentleman an opportunity to perfect his idea, and reduce it to a tangible shape. I suggest the propriety of passing over the section. I confess I should be unwilling to dispense with this officer, unless there can be substituted in his place some other individual whose province

it shall be to discharge the necessary duties of this office.

Mr. BRISCOE. My object was that the present incumbent should be retained during his term of office, the term for which he was elected, and then that the legislature should provide for the appointment of an officer to take charge of this particular department. To prevent any difficulty, so far as this question may arise, I do not propose to make any change until the present incumbent goes out. I merely propose the appointment of the officer after the expiration of the term of the present incumbent, and that the legislature shall impose upon him certain duties.

Mr. SANDS. I have ascertained that in addition to the fees of the office for vacant and escheat lands, this office pays into the treasury \$1,200 or \$1,500 annually.

Mr. DANIEL. That is news to the committee.

Mr. SANDS. It was news to me until I got it; but I got it from a very good source.

Mr. BRISCOE. That was prior to the repeal of the riparian bill.

Mr. SANDS. No, sir; now. This news will form a portion, I understand, of the comptroller's forthcoming report; that \$1,200 or \$1,500 annually are paid into the treasury by this officer.

Mr. DANIEL. Besides the \$1,800, making \$3,000?

Mr. SANDS. Yes, sir.

Mr. DANIEL. It is very strange then that he should want his salary cut down.

Mr. HEBB. This money is not called fees at all in the constitution; it is money paid for vacant or escheat lands.

Mr. SANDS. And to which the commissioner of the land office never could have any claim.

Mr. DANIEL. I did not understand the gentleman. He was speaking of the necessity of continuing the office.

Mr. SANDS. Yes, sir; simply of the necessity of continuing the office.

Mr. CHAMBERS. There is evidently a cloud upon the subject. I move to postpone the section informally.

The motion was agreed to—ayes 29, noes 27.

STATE LIBRARIAN.

The third section was read as follows:

"Section 3. The State librarian shall be elected by joint vote of the two branches of the legislature for four years; and until his successor shall be elected and qualified. His salary shall be fifteen hundred dollars per annum. He shall perform such duties as are now or may hereafter be prescribed by law."

Mr. ADOUN submitted the following amendment:

Strike out all after the word "be," in line one, as far as "his," in line three, and insert the words "appointed by the Judges of the