

The question recurred upon the motion of Mr. STOCKBRIDGE to make it the special order for next Friday.

The question being taken, it was not agreed to.

Mr. VALLIANT moved that it be made the order of the day for Wednesday next, at 12 o'clock.

The question being taken, the motion of Mr. VALLIANT was agreed to.

APPOINTMENT, TENURE OF OFFICE, &C.

The Convention then resumed the consideration of the unfinished business of Saturday, being the report of the committee to consider and report respecting the appointment, tenure of office, duties and compensation of all civil offices not embraced in the duties of other standing committees, which was upon its second reading.

The only section remaining unconsidered was section two, which had been amended so as to read as follows:

Sec. 2. There shall be a commissioner of the land office, elected by the qualified voters of the State, on the Tuesday after the first Monday in November, in the year eighteen hundred and sixty-nine, and on the same day in every sixth year thereafter who shall hold his office for the term of six years from the first day of January next after his election. The returns of said election shall be made to the governor, and in the event of a tie between any two or more candidates the governor shall direct a new election to be held by writs to the sheriffs of the several counties, who shall hold said election after at least twenty days notice, exclusive of the day of election. He shall perform such duties as are now required of the commissioner of land office, or such as may hereafter be prescribed by law, and shall be keeper of the chancery records. He shall receive a salary of eighteen hundred dollars per annum, to be paid out of the treasury, and shall charge such fees as are now or may be hereafter fixed by law. The said commissioner of the land office shall make a semi-annual report of all the fees of his office both as commissioner of the land office and keeper of the chancery records, to the comptroller of the treasury, and shall pay the same semi-annually into the treasury.

Mr. THOMAS moved to strike out eighteen hundred and to insert two thousand in line twelve.

Mr. CLARKE. I think in justice to the commissioner of the land office, it is proper that I should read to the Convention the communication he made to the committee on this subject, which will explain the action of the committee, why they abolished the fees and inserted in their place a regular salary, and showing also the compensation he has received for some years, the average of which is even beyond the amount fixed by the gentleman from Baltimore city (Mr. Thomas.)

ANNAPOLIS, May 18, 1864.

To Messrs. Clarke, Billingsley, Thurston, Daniel, Baker, Purnell and Davis, committee of constitutional convention "to consider and report respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other standing committees."

GENTLEMEN:—I would respectfully beg to submit to your consideration some suggestions in relation to the office of commissioner of the land office.

Under the present constitution, the commissioner of the land office sits as judge of the land office and receives therefor a salary of \$200 per annum. He also performs the duties of register of the land office, and examiner general, and is entitled to receive therefor the fees chargeable under the former constitution and laws. By an act of the general assembly passed at January session, 1862, he has charge of the chancery records, and receives for such services as required by said act the sum of \$500 from the State, and the fees arising from copies.

The fees arising from duties performed as register of the land office are liable to be augmented or diminished, as the case may be, by his decisions as judge of the land office. For instance: application is often made for a patent upon land which has been owned by several persons since its survey or re-survey, and upon such proofs as are submitted the commissioner grants or refuses the patent as his judgment dictates. By granting the patent, he is required to perform the duty of register in issuing it, and recording the proceedings, certificate, &c., for which he receives the fees chargeable by law. Refusing the patent, his services as register are not required, and no fees accrue. Thus the salary or emoluments of the office are affected by his judicial decisions.

The fees accruing from the several duties of register and examiner general, are irregular and uncertain, at times amounting to a large and handsome salary per annum, and at others not exceeding half or a little more than half the maximum allowed by the constitution. An act of the general assembly of 1862 to prevent the issuing of warrants and patents for lands covered by navigable water, materially affected and diminished these fees, and it was to make good in some measure this deficiency, as well as for the public convenience, that the chancery records were placed in charge of the commissioner of the land office.

The combination of the several offices of judge, and register of the land office, and examiner general under the title of commissioner of the land office, has proven of great convenience, and a change would, I doubt not, be prejudicial to the public interest.