

such fees as are now, or may be hereafter fixed by Law. He shall make a semi-annual report of all the fees of his office, both as Commissioner of the Land Office, and as keeper of the Chancery Records, to the Comptroller of the Treasury, and shall pay the same semi-annually into the Treasury.

The act of 1890, chapter 513, providing for the forfeiture of the property of unknown owners upon their failure to produce evidence of their title, and authorizing the agents of certain counties to make examinations of the records in the land office free of charge, and remitting the sum due by the authorities of a certain county for examinations previously made, held to be void because in violation of article 23 of the declaration of rights, and of article 3, sections 29 and 33, of the constitution *Scharf v. Tasker*, 73 Md. 381.

This section (as it stood in the constitution of 1864), in providing for the election of the commissioner of the land office, left his powers and duties completely under the control of the legislature; that officer does not form part of the judiciary under the constitution of 1864. *Smith v. Devecon*, 30 Md. 479.

This section referred to in construing article 2, section 15—see notes thereto. *Harman v. Harwood*, 58 Md. 10.

See article 15, section 9, of the Maryland constitution.

See article 54 of the Annotated Code.

Sec. 5. The Commissioner of the Land Office shall also, without additional compensation, collect, arrange, classify, have charge of, and safely keep all papers, records, relics and other memorials connected with the early history of Maryland, not belonging to any other office.

Sec. 6. The qualified voters of Worcester County shall on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-seven, and every two years thereafter, elect a Wreck-Master for said County, whose duties and compensation shall be the same as are now or may be hereafter prescribed by law; the term of office of said Wreck-Master shall commence on the first Monday of January next succeeding his election, and a vacancy in said office shall be filled by the County Commissioners of said County for the residue of the term.

ARTICLE VIII.

EDUCATION.

Section 1. The General Assembly, at its first session after the adoption of this Constitution, shall, by law, establish throughout the State a thorough and efficient system of free Public Schools; and shall provide by taxation or otherwise, for their maintenance.

This section means that the schools must be open to all without expense; to single out a certain portion of the people by the arbitrary standard of color and deny them the rights which are possessed by others, denies them the equal protection of the laws, and, as applied to public schools, violates this section. Colored pupils, however, may lawfully be excluded from an institution which receives municipal aid but is not a part of the public school system, such as the Maryland Institute in Baltimore. *Mandamus denied. Clark v. Md. Institute*, 87 Md. 661.