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| 47. Improvements into water front on navigable waters.
48. Patent not to affect riparian rights, nor to issue for land covered by navigable water. | 49. Public records commission; tenure; duties.
50. Meaning of words "public record."
51. Kind of paper, ink, typewriter ribbon used and approved. |
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Commissioner—His Powers and Duties.

An. Code, sec. 1. 1904, sec. 1. 1888, sec. 1. 1853, ch. 415, sec. 1.

1. The commissioner of the land office is a court of record with the same power to preserve order, punish contempts and enforce obedience to his orders and adjudications as is possessed by any other court of record.

The commissioner of the land office forms no part of the judiciary under the state Constitution. His powers and duties are subject to change by legislature, and his proceedings may be reviewed or controlled by courts. The pendency of proceedings to obtain a patent, does not oust jurisdiction of equity, though such jurisdiction will not ordinarily be exercised. *Goodsell v. Lawson*, 42 Md. 370; *Smith v. Devecmon*, 30 Md. 481. See also *Ringgold v. Malott*, 1 H. & J. 316; *West v. Jarrett*, 1 H. & J. 538.

The origin of the land office and its jurisdiction. *Cunningham v. Browning*, 1 Bl. 299; *Baltimore v. McKim*, 3 Bl. 453.

Formerly no appeal lay from the chancellor as judge of the land office. (See art. 5, secs. 88 and 89.) *Baltimore v. McKim*, 3 Bl. 453. See secs. 23 and 40 and notes.

An. Code, sec. 2. 1904, sec. 2. 1888, sec. 2. 1872, ch. 289. 1900, ch. 318. 1902, ch. 229. 1908, ch. 81.

2. He shall have power to appoint a chief clerk who shall receive a salary of eighteen hundred dollars per annum, and two assistant clerks who shall each receive a salary of fifteen hundred dollars per annum, and two index clerks who shall receive a salary of twelve hundred dollars each per annum; and the sum of seven thousand two hundred dollars, or so much thereof as may be necessary, is hereby appropriated annually for said purpose.

As to fees chargeable by the land office, see art. 36, sec. 14.

An. Code, sec. 3. 1904, sec. 3. 1904, ch. 495, sec. 2A. 1910, ch. 130 (p. 164).

3. The commissioner of the land office shall have power to appoint a clerk to complete the indexing of the prerogative court records, indexing the records of the higher court of chancery, and other such indexing, or copying in the land office as may be necessary, and shall receive a salary of one thousand dollars (\$1,000) per annum; and the sum of one thousand dollars (\$1,000), or as much thereof as may be necessary, is hereby appropriated annually for said purpose. Said clerk shall be under the control of the commissioner of the land office, and subject to removal at any time, as other clerks in the land office.

An. Code, sec. 4. 1904, sec. 4. 1888, sec. 3. 1782, ch. 38, sec. 11.

4. He may issue summons for witnesses to testify in cases pending before him and may compel their attendance and may order depositions to be taken in writing on reasonable notice to the opposite party to be used in such cases.

Cited but not construed in *Cunningham v. Browning*, 1 Bl. 319.