

Commissioner—His Powers and Duties.

An. Code, 1924, sec. 1. 1912, 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. 89 and 90.) *Baltimore v. McKim*, 3 Bl. 453.

See secs. 23 and 40 and notes.

An. Code, 1924, sec. 2. 1912, 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, 1924, sec. 3. 1912, 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, 1924, sec. 4. 1912, 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.

An. Code, 1924, sec. 5. 1912, sec. 5. 1904, sec. 5. 1902, ch. 577, sec. 3A.

5. All writs, attachments, orders and notices issued from the land office shall be served by the sheriffs of the respective counties and Baltimore City and return made thereon in the manner prescribed by the rules of the land office. The commissioner of the land office may make rules and regulations for the taking of depositions before the regular examiners of the circuit courts for the counties or Baltimore City, or any justice of the peace, for the summoning of witnesses and compelling their attendance. The pay of witnesses and the examiners or justices of the peace shall be