

reference to the common law rule still governing negligent abstraction of minerals.

In Strathmore, supra, the court offered no explanation as to why the legislature did not codify the rule. It ventured to say, only, that it might be for reasons of public policy. The revisor feels that at the present time there is no reason to exclude negligent abstracting of minerals from the statute.

It is suggested that the legislature consider codification of the common law rule with respect to measure of damages for minerals taken negligently.

For the measure of damages for cutting, burning, or injuring trees or timber, see §5-409 of the Natural Resources Article.

SEC. 11-203. MEASURE OF DAMAGES - BCND OF CLERK OR REGISTER.

(A) IN GENERAL.

IN AN ACTION ON THE BOND OF THE CLERK OF A COURT OR REGISTER OF WILLS, THE MEASURE OF DAMAGES IS THE SUM THE CLERK OR REGISTER CHARGED FOR THE SERVICES HE HAS NOT PERFORMED.

(B) SPECIAL DAMAGES ALLOWED.

IF A PERSON SUSTAINS SPECIAL DAMAGES BECAUSE THE CLERK OR REGISTER FAILS TO PERFORM THE SERVICES REQUESTED, THE PERSON SHALL BE COMPENSATED FOR THE SPECIAL DAMAGES IN ADDITION TO THE CLERK'S FEES.

REVISOR'S NOTE: This section is new language derived from the second provision of Art. 75, §43. The first provision is proposed for repeal because it is covered by Ch. 400 of the Maryland Rules.

For the measure of damages on sheriffs' bond; see Title 2, subtitle 3 of this article.

SUBTITLE 3. INTEREST ON AUTOMOBILE LIABILITY CLAIMS.

SEC. 11-301. INTEREST ON AUTOMOBILE LIABILITY CLAIMS.