

they were paid, proceeds to require the present register in chancery to examine the unrecorded papers in his office, to ascertain as nearly as possible the cost of recording the same estimating it according to the present fees for recording allowed by law, and to report the result of his inquiries to the next legislature. In obedience to this resolution, a report was prepared and submitted by R. Waters, Esq. the present register, which was referred to the consideration of the late committee of grievances and courts of justice. In this report the register has drawn a distinction between those papers required to be recorded under the existing law of 1817, and the papers in mere personal actions, and has confined himself to the obligations imposed by that act upon his predecessors. This report was required and designed not for the purpose of unfolding to the view of the legislature, a full exposition of the moral or even legal delinquencies of these officers, but rather for the purpose of enabling the house to ascertain the probable cost of the completion of the records, in conformity to the act of 1817, the cases in which such completion might be expected, at the hands of the delinquent officers, their securities or personal representatives, and the cases in which from insolvency or other causes, such expectation could not be cherished, and in which therefore it becomes necessary for the state to complete them at her own expense. It was desired principally if not solely to inform the state, as to the probable loss which she herself might sustain; and therefore it was unnecessary for the Register to have done more, than to have specified the cost of recording, in the unrecorded actions to which the law of 1817 relates. His report has therefore only given us this cost, and it is this cost which was reported to the house at its last session by the late committee of grievances in their report, prefixed to the resolution of the last session. These reports answered their respective purposes, but they do not suffice to show the extent of the delinquencies of these officers.

But some important facts are disclosed by the report of the Register, which in conjunction with others elicited by the recent examinations of the committee, will show us their full compass. It would seem that Samuel H. Howard, remained register until 1807, and was succeeded by Nicholas Brewer, Esq. who held it until 1812, and then in his turn gave way to James P. Heath, who held the office until 1815. Mr. Bowie came as his successor and held it until 1821. The cost of recording the unrecorded papers, absolutely necessary to be recorded under the restricted obligations of the law of 1817, and which ought to have been recorded by these four gentlemen, is in the aggregate estimated by the Register, to amount to the enormous sum of ten thousand dollars, and upwards, of which Mr. Howard's proportion is 4500, Mr. Brewer's 3000, Mr. Heath's 1500 and Mr. Bowie's 1500. In addition to this we are informed by the Register, that the unrecorded papers which it was undeniably the duty of these officers to have recorded, but to which the law of 1817 does not relate, although it does not extenuate the neglect or purge the officer, or entitle him to money received for services which he never did perform, are at least equal to one third of the other unrecorded papers, and the recent investigations of the committee say, perhaps one half. Hence it is certain that these four officers, have received after the proportions above mentioned, at least 13 or 14000 dollars, for which no services whatever have ever been rendered by them.

If indeed the matter rested in a mere reception of money on an officer, without a consideration given therefor, highly as this committee might censure such acts, they would view them in a different light. But their conduct has not terminated with themselves, and the parties from whom these fees have been received. They have neglected the performance of duties which are not extinct, which must be performed, and for the performance of which, the state must stand sponsor, and be the ultimate performer herself. Of the gentlemen above named, it seems that Messrs. Brewer and Bowie have given bonds, while Messrs. Howard and Heath have not. The state it seems, must necessarily incur an expense of at least 5 or 6000 dollars, from their defaults; and from the long neglect to sue in one of the bonded cases, it is extremely questionable whether she must not incur a cost of at least 9000. In the present condition of our treasury, such a demand upon it cannot but be regarded as peculiarly oppressive, and cannot but awaken the public indignation against individuals, who although exalted to one of the most lucrative offices of our state, could yet so far forget the hand that exalted, as to render its friendship self oppressive and self ruinous.

Nor can the committee discover any thing to mitigate their neglect, in the conduct of such of these officers as are yet alive, subsequent to the discovery of their delinquencies. The law of 1817 should of itself, have been sufficient to stimulate them to the performance of duties of the importance and urgency of which they must have been fully sensible, but notwithstanding the long indulgence up to the year 1822, we do not find them making the least efforts to redeem their past misconduct but rather confirmed in their neglect by the mercy shown to them. In 1822 they were again reminded of their obligations by the resolution requiring the report of the register, and in 1823 the full extent of their deficiencies was pointed out to them, the hand of mercy again extended to them, and again has that mercy been contemned. The resolution of the last session assigned them the first of January 1825, as the period at which they should complete their records, and directed the Governor and Council to enjoin it upon the attorney general to institute the necessary actions against all of those officers who shall not comply with the resolution. The termination of the period of indulgence is near at hand, and the committee regret that they must state, as the result of their inquiries, that no steps whatever have been taken by the defaulters in compliance with the resolution, nor even a paper touched.

As the resolution of the last session has prescribed the course to be pursued, after the termination of the indulgence lately given, your committee deem it unnecessary to do more than to urge it upon the Governor and Council, so soon as it has lapsed, to carry the resolution into instant execution. The state has indeed been long suffering and slow to wrath, and it is now full time that she should from a regard to her own safety, adopt some compulsory measures when all persuasives have failed.

All which is respectfully submitted.

Which was read.

Mr. King presents a petition from Jesse Hughs and Alexander Jones, of Somerset county, praying that the said Jesse Hughes may be authorised to give a deed to the said Alexander Jones; referred to Messrs. King, Teackle, and Dennis.

Mr. Hope reports a bill, entitled, An act to enlarge the powers of the trustees of the poor of Harford county, and for other purposes; which was twice read, passed, and sent to the senate.