

cases completed in pursuance of that order. In Allegany county court, different orders have passed upon the subject, as the circumstances of the cases required, and at April term 1821, an order passed, which was inserted upon the records, that the proceedings had not been brought up pursuant to the previous order of the court. It appears, though that the records required to be completed by one of the clerks, have been brought up since the passage of that order, but that those of the late Hanson Briscoe, previous to 1817, have not. The court, however, discharged the duty required of them; and after the order passed at October term 1821, it became the duty of the attorney for the state to institute proceedings upon the office bond. The proceedings of the court since 1817 have been recorded. Similar orders were passed in Frederick and Washington county courts, and the records of those courts are complete, except during the clerkship of Elie Williams in Washington county; an order was passed requiring his personal representatives or securities to complete them; but having no executor or administrator, it has not been done. The present clerk, however, has volunteered his services to complete them, provided twelve months are allowed him. Your committee therefore recommend the adoption of the resolution upon that subject herewith reported.

It would seem, from the several communications received from the different judges in the state, that in many county courts the records were in a melancholy and deplorable state, previous to the act of 1817. It does not seem that, before that time, the records and minutes of proceedings of the courts came under the inspection of any officer; and this, in a measure, accounts for the unparalleled extent of official negligence, as disclosed by the different communications received, in answer to their inquiries made in obedience to the order of the house.

A resolution passed this legislature, at December session 1823, requiring the attorney-general to institute suits upon the bonds of delinquent clerks, whose records should not be completed by the first of January 1825; and it might, therefore, appear to have been unnecessary that such an order, as the one under which your committee are now acting, should have passed, or the duty imposed upon them, of inquiring into the unpleasant subject of official misconduct, and of seeking into grievances and abuses which had not been disclosed to them. The result, however, has proved the necessity of the inquiry, and has shewn, that where the judges had not attended particularly to this subject, the neglect has swollen to a degree, not easily checked; and it is beyond the capacity of your committee to say, where the effect of this evil will stop. Your committee do not think it necessary to enlarge upon the importance of the duties required by the act of 1817, it is not necessary to state, that the titles to a large amount of property, depend upon the faithful discharge of those duties; and much property must be put in jeopardy, and the people involved in endless litigations, in consequence of the loss or destruction of papers upon which the titles to their estates depend.

Your committee take leave here to express an opinion, that the duties required of the judges by the act of 1817, should more properly devolve upon an officer appointed for the purpose, than upon the court. It is blending the duties of the judges too much with those which can be equally well discharged by a person of experience as a clerk, to require of them to inspect the records, and examine the proceedings; and the committee think those duties should properly devolve upon an inspector appointed for that purpose. A sufficient number of warnings have been given to the different clerks, that the day of mercy and compassion must at sometime close, and the state, though slow to anger, would punish those who contemn her authority, and call to strict account the officers who set her laws at defiance. Scarcely a session has passed, without application by clerks and registers for further time to complete their records; and the state, in the fulness of her mercy, has too frequently granted the request, regardless of the rights and interests of individuals, which might be prejudiced by that gentleness which the state shews for her officers, and her blindness to their neglect. The ulcer is now probed to the bottom; we have searched to the root of the disease, and the ex-