

this should be a salaried officer. It is the peculiar duty imposed upon him in relation to citizens of the State, which is of a very delicate character; for he is constituted judge; and upon his judgment depends the fee he is to receive. For instance, in a certain state of facts, under a certain determination upon his part he receives nothing, while if he determines the other way he receives his fees in the ordinary way. This is a temptation which ought to be removed out of the way by making this a salaried office. There should be no temptation whatever to swerve his judgment or tempt him in any case. I think this is really one of the most controlling reasons which should govern the convention in giving him a salary, and requiring that the perquisites of his office should go to the State. The State I conceive will not be injured by it, as according to the data presented by him, about \$2,300 annually would go into the treasury department from him as the incumbent of that office.

Mr. NEGLEY. If this office is an office without labor, or if it is continually decreasing, arising from the abolition of the court of chancery by the last convention, it is a matter for the consideration of this convention whether they will continue an office which has no duties to be performed and tax the State with a certain amount of salary for the payment of the officer. If, as I understand from the argument, the duties of the commissioner of the land office and of the keeper of the chancery records, are continually diminishing, by reason of the fact that the court of chancery was abolished by the last convention, and that the time is rapidly approaching when there will be no duties for him to perform at all, excepting a few duties with regard to the land office, would it not be better to continue the office so long as the present incumbent has been elected to fill it? and after that time would not the business of the offices be so diminished that there would be no necessity for a special officer for that purpose, because the legislature might make provision for the keeping of the chancery records, and for the performance of the duties of the commissioner of the land office? I presume there will have to be somebody there now; but some provision could be made to abolish the office after the expiration of the time for which the present incumbent was elected. We could authorize the legislature to make provision at that time. I think the convention ought not to create this new office, and continue it for years at such a salary, without a necessity for it. These are not the times when such a thing as that should be put upon the people of the State, who are going to be overburdened with taxation, and whose endurance in that direction is going to be tried to its utmost capacity. We ought to be careful on this subject, and not continue an office which

the public wants do not require, and for the discharge of whose duties there is no necessity. I must confess I am not conversant enough with this subject to indicate to the convention a policy, but really I think the convention ought to be careful how they proceed with this.

Mr. BAKER. I think the convention is laboring under a mistake in regard to the fees of this office. Being one of that committee, my recollection is that the salary went to \$1,500 some three years ago. Since that the fees have increased very much; I think as much as \$500. Instead of the fees decreasing annually, for the last two years they have gradually increased.

Mr. HEBB. The commissioner informs me that the fees of the office are more now than they ever were; that the receipts of the last year are more than of any one of the previous four years. The receipts since he went into the office average \$2,200. This section proposes to cut it down to \$1,800.

Mr. DANIEL. We had a statement before us, prepared by this officer himself, showing the average of these fees; and certainly my recollection differs from some of the gentlemen who have spoken. My impression is that probably for two or three years, on account of the troubles of the war, they have decreased very suddenly, and recuperated a little; but to suppose that these fees will ever again amount to \$2,600 or \$2,700 annually is, I think, totally preposterous. In all probability the fees of the commissioner of the land office will gradually decrease. Yet I am not for abolishing the office. I think it is a proper and necessary office. I think there is a good deal to be done. And in future acts of legislation there may be more to do. The riparian rights may be restored again; and then we shall have some officer to attend to it.

It certainly has been said that it is a very important matter to have a keeper of the chancery records. I do not believe, even with the \$500 from the legislature, the fees would amount to \$2,000 a year. The fees would probably amount to \$1,200 a year now. We thought that he ought to have a fixed salary, and fixed it at \$1,800.

Mr. NEGLEY. Does the gentleman think it necessary to continue the office indefinitely?

Mr. DANIEL. Yes, sir; it is an office of importance. We must have some officer to do that work.

Mr. NEGLEY. Could not the legislature transfer the duties to some officer of the court of appeals by and by, say five years hence?

Mr. DANIEL. I do not know about by and by; I am only judging for the present.

Mr. NEGLEY. Yet the duties are gradually becoming less and less. I do not know how they can be increased by legislative action. I think now that as the fees are decreasing, the duties may be decreasing. I think how-