



Digitized by the Internet Archive
in 2010 with funding from
Lyrasis Members and Sloan Foundation

TABLE 20. 54-(Continued)

10447

10448

10449

10450

10451

10452

10453

10454

10455

10456

10457

10458

10459

10460

10461

10462

10463

10464

10465

3.
[Document C.]

BY THE HOUSE OF DELEGATES,
January 2, 1862.

Read and ordered to be printed.

REPORT

OF

GEORGE H. CARMAN,

CLERK OF THE CIRCUIT COURT

FOR BALTIMORE COUNTY.



R E P O R T .

OFFICE OF THE CLERK OF THE CIRCUIT COURT
FOR BALTIMORE COUNTY,

TOWSON TOWN, December 31, 1861..

To the Hon. J. SUMMERFIELD BERRY,

Speaker of the House of Delegates:

In compliance with an order of the House of Delegates, passed December 5th, 1861, (a copy of which is hereto annexed,) I beg leave to submit the following

R E P O R T :

At the time the fire occurred (on the night of the 23d of August, 1861,) in the Clerk's Office, the Recording Department consisted of the following books, viz :

Thirty-two Land Records, H. M. F., No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9, No. 10, No. 11, No. 12, No. 13, No. 14, No. 15, No. 16, No. 17, No. 18, No. 25, No. 26, No. 27, No. 28, No. 29, No. 30, No. 31, No. 19, No. 20. G. H. C., No. 21, No. 22, No. 23, No. 24, and No. 32.

Fifteen Mortgage Records, H. M. F., No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7, No. 8, No. 9. G. H. C., No. 10, No. 11, No. 12, No. 13, No. 14, and No. 15.

Four Chattel Records, H. M. F., No. 1, No. 2, No. 3. G. H. C., No. 4.

Nine Judicial Records, H. M. F., No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7. G. H. C., No. 8, and No. 9.

LAND RECORDS.

H. M. F., No. 9.

Badly burned to page 377, a considerable portion of the

first part, and nearly all the last part of the book can be made out.

H. M. F., No. 11.

The binding burned off, and one corner slightly burnt.

H. M. F., No. 12.

Badly burned to page 314, about one-fourth of each page can be made out, the balance of the book almost entirely destroyed; in some instances one-half, one-third and one-fourth of each page can be made out.

H. M. F., No. 15.

The back of this book is burned off. Each leaf can be made out to page 260; from page 260 to page 354, three-fourths of each leaf can be made out. A portion of the leaves from page 354 to page 374, can partially be made out, and the balance of the book, say 178 pages, is entirely lost.

H. M. F., No. 16.

Partially burned to page 203, and considerably defaced by smoke and water from page 203 to page 233; some pages of the burnt portion can be made out in full, and about three-fourths of each page of the balance can be made out.

H. M. F., No. 17.

Several lines of the whole lower end of this book is burned off, and the upper corner of about one-half is partially burnt. About three-fourths of each page of the whole book can be made out.

H. M. F., No. 18.

Several lines of the whole lower end of this book is burned off, about four-fifths of each page can be made out.

H. M. F., No. 19.

The lower end of this book is burned from page 1 to page 322; one-fourth of each leaf can be made out, and one-fourth of each page of the balance can be made out.

H. M. F., No. 20.

Several lines of the lower end of this book and a portion of one of the upper corners is destroyed; about four-fifths of each page can be made out.

G. H. C., No. 21.

Several lines of the lower end of this book is burned off, about four-fifths of each page can be made out.

The balance of the Land Records, viz: H. M. F., Nos. 1, 2, 3, 4, 5, 6, 7, 8, 10, 13 and 14, and G. H. C., Nos. 22, 23,

24, 25, 26, 27, 28, 29, 30, 31 and 32, are good; except where the covers have been scorched and defaced, and a few pages in some have been defaced by smoke and water.

MORTGAGE RECORDS.

H. M. F., No. 1,

This book is badly burned, almost entirely destroyed.

H. M. F., No. 2,

The upper end of this book is considerably burned, but with the exception of about 100 pages in the centre, about four-fifths of each page can be made out.

H. M. F., No. 4.

Part of the cover burned off; the index partially destroyed. The balance of the book good.

H. M. F., No. 6.

Considerably burned to page 267, about one-half of each page can be made out; the balance of the book is not so badly burned, and nine-tenths of each page can be made out.

H. M. F., No. 7.

Badly burned to page 343, in some instances one-half and in others one-third of each leaf can be made out; from page 343 to page 460, it is not so badly burned, and nine-tenths can be made of each page out; the balance of the book is considerably burned, and about one-half or one-third of each page can be made out.

H. M. F., No. 8.

Badly burned to page 300, about one-half of each page can be made out; the balance of the book is not so badly burned, and about eight-tenths of each page be made out.

H. M. F., No. 9.

The upper end of this book partially burned; nearly the whole book can be made out.

G. H. C., No. 12.

Is considerably burned to page 215, four-fifths or two-thirds of each page of the burnt portion can be made out; the balance of the book is good.

G. H. C., No. 13.

Is considerably burned to page 267, about one-half of each

page of the burnt portion can be made out; the balance of the book is good.

G. H. C., No. 14.

This book is badly burned, almost entirely destroyed.

G. H. C., No. 15.

This book was about one-half recorded when the fire occurred; it is considerably burned around the edges and back, nearly everything on each page can be made out.

Mortgage Index, H. M. F., is partially destroyed.

The balance of the Mortgage Records, viz: H. M. F., Nos. 3 and 5, and G. H. C., Nos. 10 and 11, are good; except where the covers have been scorched and defaced, and the leaves of some of the books have been defaced by smoke and water.

CHATTEL RECORDS.

H. M. F. No. 1.

Is good to page 142, one corner of the balance (320 pages) is considerably burned, about nine-tenths of each page of the burnt portion can be made out.

H. M. F. No. 2.

Is good to page 288, one corner of the balance (about 200 pages) is partially burned, nearly all the book can be made out.

G. H. C. No. 4.

This book was nearly finished when the fire occurred, it is considerably burned around the edges, and with the exception of a few pages, the whole book can be made out.

H. M. F. No. 3.

Is good, except a few leaves defaced by smoke and water.

JUDICIAL RECORDS.

H. M. F. No. 2.

Is badly burned at each end, about three-fourths of each page can be made out.

H. M. F. No. 4.

The lower end of this book is burned, about nine-tenths of each page can be made out.

H. M. F. No. 6.

The lower end of this book to page 245 is partially burned, about nine-tenths of each page can be made out, the balance (235 pages) is slightly burned and can be made out.

G. H. C. No. 8.

This book is badly burned, almost entirely destroyed.

G. H. C. No. 9.

This book is burned around the edges, about nine-tenths of each page can be made out.

The Balance of the Judicial Records, viz: H. M. F. Nos. 1, 3, 5 and 7, are good, except a few leaves in some of the books, which have been defaced by smoke and water.

DEEDS, MORTGAGES AND CHATTEL PAPERS.

Destroyed before they were recorded. When the fire occurred the

LAND RECORD

Was recorded, to May 1st, 1861.

MORTGAGE RECORD.

Was recorded, to May 11th, 1861.

CHATTEL RECORD.

Was recorded, to April 19th, 1861.

CIVIL DOCKETS.

DOCKET.

From 13th October, 1856, to 6th December, 1858, is considerably burned on the front edge.

DOCKET.

From 6th December, 1858, to 4th December, 1860, is considerably burned on one side, and the balance of the book is burned on the edge.

DOCKET.

From 4th of December, 1860, to _____ was entirely destroyed. This was the last Docket.

There were about 258 Deeds, Leases, &c. ; 111 Mortgages, Releases, &c.; and 45 Chattel Papers unrecorded; but few of these papers are in condition to be recorded; some are partially and others totally destroyed.

A considerable number of confirmatory papers have been deposited in the office since the fire, to replace some of the above papers.

CIVIL TRIAL PAPERS.

The number of trial papers opposite the following letters have been in some instances partially, in others nearly totally, and in others totally destroyed.

Trial papers are filed alphabetically in the names of the Plaintiffs.

B.	Papers in	9	cases	partially	consumed.
E.	"	"	1	"	destroyed.
F.	"	"	6	"	very badly defaced.
G.	"	"	5	"	nearly destroyed.
H.	"	"	5	"	"
I.	"	"	8	"	"
K.	"	"	7	"	"
L.	"	"	16	"	"
M.	"	"	43	"	"
N.	"	"	10	"	"
O.	"	"	5	"	"
P.	"	"	22	"	"
R.	"	"	27	"	"

EQUITY PAPERS.

Some of the unsettled Equity papers have been some what defaced by smoke, and in a few cases the papers have been partially destroyed.

The order requires me to make an "estimate of the cost of restoring such as can be restored;" to give an estimate of the cost of restoring the Court Records, Dockets, &c., it will be necessary for me to give my opinion :

First, What books can be restored.

Secondly, What books should be recorded or transcribed.

Thirdly, The manner in which the work should be done.

For it is obvious that the cost of doing the work will depend entirely upon the amount done, and the plan that the Legislature may be pleased to adopt to accomplish it.

It is my opinion that every book which has been in any way injured by the fire can be restored.

There are at the present time over 1,400 original papers in the Clerk's Office belonging to the Land and Mortgage Records of H. M. F.

There are also in the office over 500 original papers belonging to the burnt Land and Mortgage Records of G. H. C.

And after a thorough examination, I am clearly of the opinion, that but few of the original papers belonging to any of the burnt Land or Mortgage Records, could have been destroyed by the fire, the originals have either been delivered to the grantees, or are at present in the office, and when ever it should be necessary, I believe that more than nine-tenths of the originals which have been delivered to the grantees, can be collected for the purpose of re-recording.

There are a large number of papers in the office belonging to the Chattel Records; but many of those are partially burnt but these Records, as a general thing can be made out.

All of the original Chancery papers which have been recorded in the Judicial Records are safe; the Equity Dockets are also safe.

The original dockets, the Clerk's Trial Dockets, and all the settled papers belonging to the three burnt Civil Dockets are safe.

The foregoing facts clearly demonstrate that from the Records, Dockets, and Papers, present in the possession of the Clerk, and what can be collected from the owners of original papers, all the burnt Records, Dockets, &c., can be restored.

In my opinion the following Records, Dockets, should be re-recorded or transcribed.

Land Records, H. M. F., No. 9, No. 12, No. 15, No. 17, No. 18, No. 19, No. 20, and G. H. C., No. 21, should be entirely re-recorded. H. M. F., No. 11, should be rebound, and a small portion of it re-recorded. H. M. F., No. 16, a little over one-third of this book should be re-recorded.

Mortgage Records. H. M. F., No. 1, No. 2, No. 6, No. 7, No. 8, and G. H. C., No. 14, should be entirely re-recorded. H. M. F., No. 4, should be re-indexed and rebound. H. M. F., No. 9, one-half should be re-recorded and a portion of the balance could be interlined. About one-half of each book of G. H. C., No. 12, No. 13 and No. 15, should be re-recorded.

Mortgage Index, H. M. F., should be re-made up.

Chattel Records. H. M. F., No. 1, about two-thirds of this book should be re-recorded. H. M. F., No. 2, the burnt part of this book could be interlined. G. H. C., No. 4, should be entirely re-recorded.

Judicial Records. H. M. F., No. 2, No. 4, and G. H. C., No. 8 and No. 9, should be entirely re-recorded. H. M. F., No. 6, one-half should be re-recorded, the balance could be interlined.

Civil Docket. All three of the Civil Dockets should be transcribed or re-made up from the papers.

Having stated my views as to the restoration of the Records, Dockets, &c., and of the books that should be re-recorded and transcribed, I beg leave to say that if the Legislature would adopt some plan to ascertain and decide what Records, Dockets, &c., should be re-recorded or transcribed, and then authorize the Clerk to re-record, transcribe and make up the above named Records, Dockets, &c., from such portions of said books as have not been destroyed by fire, or from the original papers that are at present in his possession, or which he may hereafter collect from persons to whom they may have been delivered, and whenever any of the said Records, Dockets, &c., cannot be completed by this process, to substitute and record such papers as may be established by a commission, until the Records, Dockets, &c., are completed; the whole cost to the county for reproducing and restoring the burnt Records, Dockets, &c., will not exceed the sum of five thousand five hundred dollars, including the cost of all books and stationery, the collection of the original papers, which are in the hands of the grantees, and every other expense appertaining to this division of the work.

There will be a considerable amount of labor to be performed by a commission, the cost of which will depend entirely upon the amount of duties the Legislature may require of it, and the time it will require to perform the same. If the above plan should be adopted for doing the work, it would be proper and necessary for the commission to examine the burnt Records, Dockets and papers, and the originals, which are at present or may hereafter come into the possession of the Clerk, before the same should be put upon record, and examine all the Records and Dockets, during their progress and after they are completed; there are many other matters which will require the attention of the commission, such as taking testimony in cases where title papers and records have both been destroyed, in cases where title papers have been destroyed before they were recorded, and where Trial and unsettled Equity papers have been partially or totally destroyed. It is not my intention to make an estimate of the cost and expense of a commission, and I will not attempt to make any suggestions as to its many duties, my object is only to speak of it in connection with the work for which I have made an estimate.

Your order also enquires whether the provisions of sections 54 and 55, article 18, of the Code, have been complied with in this county, &c.

I believe that sections 54 and 55, article 18, of the Code, have never been literally complied with, in this office either by my predecessor or myself.

Section 54, provides "that every Clerk after he records any deed shall, before he delivers the original, carefully and with accuracy enter the substance of such deed," &c.

Section 55, provides that the entry shall be made on good royal writing paper, and describes the size of the sheets, &c.; looking to the fact of the extracts being sent to the Clerk of the Court of Appeals in sheets or quires.

The rule of the Office has been, to provide Royal Extract Books, and then extract from the records instead of the original papers, and whenever several of the extract books are completed, to pack the same in a box and forward it to the Clerk of the Court of Appeals.

While this rule is not literally in compliance with sections 54 and 55, article 18, of the Code, it is obviously better than to extract from the originals before they should be delivered, from the fact that some original papers are delivered immediately after they are recorded, while others remain in the Office for many years.

The order also enquires "up to what period have transcripts been transmitted." I believe that all the extracts have been forwarded to the Clerk of the Court of Appeals, to December 1st, 1857.

There are at present two Extract Books in the Office in course of completion. One for Deeds, and the other for Mortgages, each Extract Book will contain about six Record Books. The Extract Book for Deeds is about one-half completed, and when finished will contain extracts of all the Deeds, from December 1st, 1857, to January 31st, 1860. Except the Deeds for about five months, which are recorded in the partially burnt records.

The Mortgage Extract Book will contain all the mortgage extracts, from December 1st, 1857, to February 1st, 1861. Both books can be completed in about three months. In connection with this subject, I beg leave to say, that the destruction of the Office, Records, Dockets, Papers, &c., by the fire has greatly embarrassed the performance of the regular duties of the Office since that period, and if this interruption had not occurred, the greater portion of the extracts, would have been transmitted before this time.

In conclusion permit me to add, that it will at all times afford me great pleasure, to give to the Honorable Body over which you preside, or any committee of that Body, any information that I possess, which will be in any way calculated to assist in the restoration of the burnt Records, Dockets and Papers of this Office.

Very respectfully,

Your obedient servant,

GEO. H. CARMAN,

Clerk Circuit Court for Baltimore County.

[COPY.]

By the House of Delegates,

December 5th, 1861.

Ordered, That the Clerk of the Circuit Court for Baltimore county, report to this House, on or before the first day of the next annual session, the extent of the injury done to the Records, Dockets, Trials and Chancery and other original papers in his office by fire; discriminating in said report such as are partially burnt and mutilated, and such as are totally lost and destroyed; and, also, his estimate of the cost of restoring such as can be restored.

Ordered further, That the said clerk report whether the provisions of section 54 and 55, article 18 of the Public General Laws of the Maryland Code, requiring transcripts of all Deeds recorded in the county courts to be transmitted for record to the Court of Appeals has been complied with in said county, and if so, up to what period such transcripts have been so transmitted.

By order,

T. SNOWDEN THOMAS,
Chief Clerk.

