

This provision has been in effect since 1860 and has not been amended since Chapter 123 of the Acts of 1898.

Section 127 of Article 41 of the Code (1947 Supp.), first enacted by Chapter 18 of the Acts of 1935 (Sec. 87E) and amended by Chapter 896 of the Acts of 1945, dealing with the Hall of Records Commission, is in part as follows:

“Every State, county, city, town or other public official in the State in custody of public records or documents is hereby authorized and empowered, in his discretion, to turn over to the Commission and deposit for preservation, any original papers, official books, records, documents, files, newspapers, printed books, or portraits, not in current use in his office, and when so surrendered, and accepted by the Commission, copies may be made and certified under the seal of the Commission upon application of any person, which certification shall have the same force and effect as if made by the officer originally in charge of the same, \* \* \*”

Section 553 of the Baltimore City Charter requires you to have your records always open to inspection by the General Assembly or any committee thereof and by the Mayor and City Treasurer of Baltimore. When first enacted this language undoubtedly meant original records. However, we believe authority to deviate somewhat from this requirement has been conferred by Section 127 of Article 41 of the Code of General Laws. As you are a “public official in the State,” and, as the records referred to in Section 553 of the City Charter are “public records or documents,” we believe you are authorized to turn over your original records to the Hall of Records Commission. The spirit of Section 553 of the City Charter will be fulfilled by keeping in your possession microfilm copies for inspection and by the fact that the original records may be inspected in the hands of the Commission.

Under Section 127A of Chapter 755 of the Acts of 1949, the Hall of Records Commission may decline to accept your records. If they do so decline, we believe you have no authority to destroy them. The provision in Section 127A authorizing the destruction of certain records which the Hall of Records Commission declines to accept, does not include your records required to be kept under Section 553 of the City Charter.