

York and gave them to us. We were lent the first volume of St. Mary's County Orphans' Court Proceedings and some early tax rolls which had long since disappeared from the courthouse. (We have film copies now but the anonymous lender has the originals.) The Congress of the United States has on occasion quietly resolved to return records to other states, principally Southern. But the bulk of our strayed records are securely maintained where they do not belong. Should they be returned by duress if necessary? I think so.

It has always been held that the records of a government belong to that government and unless it voluntarily divests itself of title it is still owner of the records no matter how far and for how long they have strayed. Unfortunately, there has been no clear case in the American Courts to test this principle. The oft-cited *Manning v. Anderson Galleries* (222 N. Y. Reports Supplement) proved nothing because Judge Staley held that the State of Georgia could not prove the controversial record had ever been an archive of the State of Georgia. In the case of *United States v. First Trust Company of St. Paul* the court held that the Lewis & Clark records in contest had not been proved to be official records and that, therefore, ownership of the United States government had not been established. In other cases there have been special circumstances to consider: In May 1785, George Washington made an address in the form of a letter to the Mayor and Aldermen of New York City. (We have an estray of the same kind addressed by Washington to the General Assembly and retrieved by purchase). At the death of John Allan a book collector, in 1863, his collection was sold. The Washington holograph was knocked down to DeWitt C. Lent for \$2,050. The city brought suit against Lent for the return of the document. The case was settled in the Supreme Court of New York. The court insisted that "Its style, address and responsive character to a legislative act, should of itself be regarded as having imparted notice to all, that from the moment of its reception and sending it became the property of the corporation to whom it was addressed." Judgment was rendered for the Mayor and Aldermen of New York City.

For the most part, however, where it can be clearly established that the origin of a document is governmental, cases do not come to judgment. There is the famous case of the will of Martha Washington. Years after it was removed by a Union colonel from the Fairfax County Virginia Courthouse, it reappeared in the Library of J. P. Morgan. Mr. Morgan after some badgering, offered to return the document to