

CONSTITUTIONAL LAW—HALL OF RECORDS—LAND
COMMISSIONER—LEGISLATURE MAY TRANSFER
THE CUSTODIANSHIP OF ANCIENT RECORDS
FROM THE LAND OFFICE TO THE NEW HALL
OF RECORDS COMMISSION.

April 25, 1935.

Honorable Carroll T. Bond,
Chairman, Hall of Records Commission,
3507 N. Charles Street,
Baltimore, Maryland.

MY DEAR JUDGE BOND:

In your letter of April 17th, you asked for an expression of my opinion as to whether the provisions of Senate Bill No. 58, Chapter 18 of the Acts of 1935 are open to any objection on the ground of constitutionality. This Act, which creates the new Hall of Records Commission, provides, among other things, that "all papers, records, relics and other memorials connected with the early history of Maryland not required for the necessary operations of any other office, shall be under the supervision of and belong to said Commission."

Article VII, Section 4; of the Constitution, provides that the Commissioner of the Land Office "shall perform such duties as are now required of the Commissioner of the Land Office, or such as may hereafter be prescribed by law and shall also be the keeper of the chancery records." In commenting upon this section, Mr. Niles said:

"His duties are wholly within the power of the Legislature, and apparently intended to be clerical in their general character."

Niles, Maryland Constitutional Law, page 306.

Article VII, Section 5 of the Constitution provides:

"The Commissioner of the Land Office shall also, without additional compensation, collect, arrange, classify, have charge of and safely keep all papers, records, relics and other memorials connected with the early history of Maryland, not belonging to any other office."

As originally drafted, the section provided that the Commissioner should be the historiographer of the State. This was opposed, on the ground that the State should not go into the matter; it should be left to individual effort, as by the Maryland Historical Society. Thereafter, an amendment was drawn and adopted in its present form.