

CONSTITUTIONAL LAW—HALL OF RECORDS—SEC. 29 OF
ART. 3 OF THE CONSTITUTION DOES NOT FORBID
REPEAL BY IMPLICATION—LAND OFFICE—EARLY
RECORDS NOT ESSENTIAL TO THE OPERATION
OF THE LAND OFFICE ARE TRANSFERRED TO
THE CUSTODY OF THE HALL OF RECORDS
COMMISSION

November 8, 1935.

Edgar F. Czarra, Esq.,
Land Commissioner,
Annapolis, Maryland.

DEAR SIR:

I have your letter of November 1st, referring to my opinion to the Hon. Carroll T. Bond dated April 25th, 1935, in which I held that the clause in Chapter 18 of the Acts of 1935, conferring the custody of certain records previously held by the Land Office, upon the Hall of Records Commission, was constitutional. You inquire whether my opinion went to the extent of holding that the present Act repealed Chapter 573 of the Acts of 1904, and if so, whether the attempted repeal could be effective, under Article III, Section 29 of the Maryland Constitution.

Chapter 18 of the Acts of 1935 expressly provides 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 the said Commission." Sec. 2 of the Act expressly provides for the repeal of all inconsistent laws. Section 29 of Article III of the Constitution has never been so strictly construed as to prevent repeal by implication. *Davis v. State* 7 Md. 158.

Chapter 573 of the Acts of 1904 merely provided for the transfer of the custody of certain records, including the records of the Prerogative Court, from the custody of the Register of Wills for Anne Arundel County to the Land Office, and authorized the payment of a certain sum to the Register for his previous indexing services. The Act was not intended to have any continuing effect, except insofar as it imposed the duty of custody upon the Land Office, which duty has now been imposed upon the Hall of Records Commission, to the extent that the records mentioned fall into the category described in the Act of 1935.