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HALL OF RECORDS

HALL OF RECORDS—ARCHIVIST—MAY NOT CERTIFY THOSE CODES OF
THIS STATE THAT ARE MERELY EVIDENCE OF THE LAW.

April 4, 1941.

MR. MORRIS L. RADOFF,
Archivist,
HALL OF RECORDS.

We have your letter of March 27, 1941, enclosing a copy of Article 43 of the Annotated Code of 1924 that the Hall of Records Commission has been asked to certify. You state that you realize that the Commission is empowered to certify copies of original laws in its possession, but that you are uncertain as to its authority to certify printed portions of Codes, and you, therefore, ask to be advised in this connection.

Your only authority as to the certification of laws is contained in Section 127 of Article 41 of the Code (1939 Ed.), which provides:

“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 same, and the Commission shall charge for such copies the same fees as such officer is allowed by law to charge, which fees shall be accounted for and paid into the State Treasury.”

Your letter does not indicate the reason for the request, but it seems that the applicant for certification is under a misapprehension as to the nature of this Code. Some of the earlier ones, such as the Code of 1860 were adopted in full as the law of the State and as such, were laws required by Section 30 of Article III of the Constitution to be recorded in the office of the Court of Appeals in the same manner as other Acts of the General Assembly. If any Codes of this nature have been deposited by