

Excepted from the authority to destroy are "public records required by statute to be maintained permanently" and "permanent books of account."

We do not believe the opinions of this office reported in 31 Opinions of the Attorney General, 124 and 24 Opinions of the Attorney General, 188 are controlling here, because of the difference in the basic statutory provisions involved.

Nor do we think Chapter 518 of the Acts of 1949 affects the situation. This Act (approved before Chapter 755 and effective the same date) purports to add a new Section to Article 41, to be known as Section 127B and to follow Section 127A. Chapter 755 also adds to this Article a new Section to be known as Section 127B which follows Section 127A as amended therein. Obviously a mistake was made in the intended numerical designations of the Sections; but as they are not inconsistent, and as neither purports to repeal the other, we believe both of them are in effect. Section 127B of Chapter 518 provides in substance (a) that whenever any agency photographs, etc., any of its records in accordance with Hall of Records standards and makes provision for preservation and examination of the photographs, etc., in a manner approved by the Hall of Records, the head of such agency, with the approval of the Archivist of the Hall of Records under Section 127A, may "cause the original records * * * to be disposed of as the law provides"; and (b) that such photographs, etc., shall be admissible in evidence to the same extent as the originals. Nothing therein authorizes destruction of the originals in contravention of the express language of Section 127A, quoted above.

Very truly yours,

(Signed) HALL HAMMOND,
Attorney General.

(Signed) WARD B. COE, Jr.,
Asst. Attorney General.

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WBC

"553. The Police Commissioner shall cause to be kept [by his secretary,] a full report of his proceedings, and also cause all his receipts and disbursements of money to be faithfully entered