

January 3, 1955.

DR. MORRIS L. RADOFF,
ARCHIVIST,
HALL OF RECORDS,
ANNAPOLIS, MARYLAND.

DEAR DR. RADOFF:

Under date of December 28, 1954, we received a letter from Dr. Robert H. Reddick, Secretary-Treasurer of the Board of Medical Examiners of the State of Maryland (Homeopathic) raising again the matter of recovery of the records of the Board of Homeopathic Medical Examiners of Maryland which have been deposited with you.

We have re-examined the matter and, from the correspondence, it appears that some time ago, upon the death of the former Secretary of the Board, the Board's records were, pursuant to advice from this office, deposited with you. While the matter is not entirely clear, it appears that there was a certain hiatus in the operations of the Board, but, in any event, it now appears that the Board has been reactivated and Dr. Reddick has been duly elected Secretary-Treasurer. When he first requested that you turn over to him the books, records and seal of the Board, explaining that the operations of the Board were severely hampered by the lack of such data and articles, you referred the matter to us and we advised you not to return the same on the theory that the provisions of Article 41 relating to your duties authorized you to accept such records, but were silent as to your authority to return same in such a situation as that outlined above. We suggested that a special act of the Legislature might be required.

Upon further reflection, it is true that the Statute is silent as to what should be done in a situation like this, but it would seem unreasonable to require a special act of the Legislature to authorize the return of the books, records and seal to the present Board. We do not intend to set any precedent of general application for the return of records, but we do feel that if you are satisfied that the present Board is constituted as provided by law and that Dr. Reddick has been duly elected Secretary-Treasurer, it would be proper for you to honor a request to return the records of the Board and deliver them to the possession of Dr. Reddick. We do not believe that a situation similar to this will be repeated too often, and we would prefer to pass upon each case on its merits, but, with an over-burdened Legislature, we do not feel, on the basis of the facts outlined above, that a special act of the Legislature should be required.