

## OPINIONS OF THE ATTORNEY GENERAL

An opinion of extreme importance to the Hall of Records was handed down last year by the Attorney General of Maryland. Even before the initiation of our records management program, in 1953, the Archivist had been consulted by the Comptroller whenever he received a request from a Clerk of Court or a Register of Wills for the purchase of recordkeeping equipment or services. The procedure became fixed and routine after the passage of the Records Management Law in 1953. While no law required the Comptroller to accept our advice as to whether a given clerk needed a microfilm camera or a new land record index, in practice our recommendation, made after an inquiry in the courthouse and a written report, was followed. The opinion given here below resulted from a request of this kind by the Clerk of the Court of Cecil County.

The Bar Association of that county had asked for an improvement in the land record indexes. The Resident Judge felt that the request was justified and had ordered the Clerk to change the system then in use to the Cott Family Name system after December 31, 1956, and also to have the land records reindexed by that system as far back as 1918. The cost of this project was set at something over \$27,000. When the Clerk of the Court requested the Comptroller to permit him to pay for this project from the excess fees of his office, his request was referred to the Hall of Records. We agreed to the changeover for new recordings, but we did not feel that the reindexing was justified and we recommended that it be denied. The Clerk of the Court then appealed to the Attorney General who found that under the section of the *Code* concerned with the Clerks of Court there was nothing to prevent his purchasing the index. As matters stand now, those clerks with excess fees of office (and only those clerks) are free to purchase indexing equipment and services to the full amount of these excess fees if the expenditure is approved by the Court. Neither the Comptroller nor the Hall of Records will exercise any control unless, of course, the situation is altered by legislation.