

OPINIONS OF THE ATTORNEY GENERAL

We asked for no help from the Attorney General during the course of fiscal year 1958, but shortly thereafter we consulted him twice in regard to the *Maryland Guide*. I thought it proper to include his opinions in this report since they resulted from action taken by the Hall of Records Commission at its April 9, 1958 meeting. The opinions are self-explanatory; their importance to us is explained in my Letter of Transmittal.

July 1, 1958

Dr. Morris L. Radoff
Archivist and Records Administrator
Hall of Records
Annapolis, Maryland

Dear Dr. Radoff:

I have reviewed the contract between the State of Maryland and the Oxford University Press New York, Inc. and am of the opinion that the State is bound by the agreement. It is my view that you may call upon the publisher under the provisions of clause 5 of the agreement to publish the new edition of the work which you have prepared, after giving them due notice thereof. If, at that time, they refuse to print the new edition, I believe that the State would then be in a position to enter into an agreement with some other publisher to publish the new edition.

Since the original agreement is silent concerning the price to be charged for any new edition, I am of the opinion that the publisher would have a right to charge for the new edition a fair and reasonable amount, considering current day prices for materials and labor involved in the publishing of the new edition.

I would advise against publishing the new edition under a different title until such time as the new edition has been written which will not conflict with the copyright as provided for under the old agreement. It would be rather risky to publish the new edition if it is so similar to the old that it would probably violate those rights.

Very truly yours,
STEDMAN PRESCOTT, JR.
Deputy Attorney General