

land. We prepared schedules for those records in which the proper officials of the city concurred. Some records were to be sent to the Hall of Records for permanent storage, some others, we decided should remain as they were in the City Offices, and some others were set aside for disposal, in this case, destruction.

Subsequently a private citizen asked the Comptroller of the City of Cumberland whether he might not have one of the records which had been set aside for destruction. The Comptroller has referred the matter to us. I am not at all sure whether the Hall of Records Commission can control the distribution of records by an agency of government. From time to time county libraries and county historical societies, and certain individuals have asked that records no longer needed in the office of origin, nor desired for permanent storage by the Hall of Records Commission, be given to them.

We have managed in the past to prevent this dispersal of public records by persuasion, but I feel now that the time has come when we ought to know what precisely our powers are in the matter—whether we have any control at all, or whether it is possible to establish control by legislation, and if so, whether that is desirable.

I should be most grateful to you for your opinion in this matter.

Sincerely yours,

Morris L. Radoff

December 4, 1963

Dr. Morris L. Radoff

Dear Dr. Radoff:

You inquired as to whether or not public records can be given to private citizens, particularly those records which have been set aside for destruction.

Article 41, Section 177 of the Annotated Code of Maryland, in part provides:

"Every state, county, city, town or other public official in the State in custody of public records * * * is hereby authorized * * * in his discretion, to turn over to the Commission