

## RECORDS MANAGEMENT DIVISION

In the Report of the Archivist last year, attention was called to the increased time devoted by the Records Management staff to records problems and space requirements of the Clerks of Court and Registers of Wills in the counties and in Baltimore City. This year, our assistance to these officials demanded considerable time.

The Uniform Commercial Code, adopted by the Maryland General Assembly of 1963, became effective February 1, 1964. The Code affects any transaction which is intended to create a security interest in personal property. A lender or seller (secured party) wishing to perfect his interest in such a transaction can do so by having a Financing Statement recorded in the office of the Clerk of Court.

Under the Code, a Financing Statement is effective for only five years, unless a Continuation Statement is filed extending it for an additional five years. Although provision was made in the Code for the destruction of records created under it, no such provision was made for those created under the laws repealed by the Code. Thus the Clerks were required to retain large quantities of records such as chattels, conditional sales, etc., because of the legal prohibition against destruction of any but "housekeeping records" or records of the internal management of their offices.

Working with the Legislative Committee of the Clerks of Court Association and the Attorney General's office, we obtained legislation in 1965 authorizing the destruction of any record created under the laws repealed by the Code, after the expiration of five years and sixty days from the date of the last pertinent entry.

During the 1965 session, the General Assembly also relieved the Clerks of the Circuit Courts of the responsibility of accepting records of justices of the peace, trial magistrates, or judges of the People's Courts who vacated their offices for any reason. Prior to the enactment of this legislation, Circuit Court Clerks were required to accept the dockets and papers of these officials, maintain them as other records, and deliver transcripts from them. This not only added to the burdens of the Clerk but, on occasion, impeded judicial processes. For example, if a trial magistrate resigned or died while legal proceedings were still pending before him, his records were required to be turned over to the Circuit Court Clerk. The Clerk then had to certify the records