

Commission, supplied to you by every Clerk of Court as required by law, copies of which have been made on microfilm by your office. You state that these abstracts, since microfilm copies are available, are of so little value that the Land Office did not consider moving them to their new quarters. You state that it is your feeling that these records should be disposed of by destruction or otherwise, and a suggestion was made that perhaps the various county historical societies would wish to have them in their possession. The question is whether you as the Archivist or the Hall of Records Commission has the authority to dispose of these abstracts in this manner.

I call your attention to Section 179 of Article 41 of the Annotated Code of Maryland (1957 Edition as Amended), which defines "records". This is a negative definition which attempts to state the types of materials which shall not be considered "records". In this section we find included "extra copies of documents preserved only for convenience of reference" and a further statement "from time to time the Hall of Records Commission may further designate categories which may be included within the definition of 'nonrecord material'. Such nonrecord materials may be disposed of by the custodian when he shall deem them to be no longer necessary for the operation of his office."

Section 181 of Article 41 *Supra* deals with the making of photographs and other reproduction of records and states in essence that when any material is microfilmed or photographed and such microfilm or photographs shall be placed in accessible containers by the Hall of Records Commission, the Commission may, with the approval of the Archivist of the Hall of Records, under Section 178 of this subtitle, cause the original records from which the photographs or microfilms have been made, to be disposed of as the law provides. In Section 178 which authorizes the destruction of certain records. We find that the section does not authorize the destruction of (a) papers, books, documents or files which have been in custody for a period of less than three years; or (b) public records expressly required by statute to be maintained permanently, except those which have been microfilmed and the copy of the original record be available; (c) permanent books of account; (d) the records of any court of record; (e) the land records recorded by the respective clerks of the circuit court for the several counties and the Clerk of the Superior Court of Baltimore City; but old records of which accurate transcriptions have been made and placed in use, under the terms of Article 26, Section 17,