

Approved April 26, 1973.

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CHAPTER 172

(House Bill 1198)

AN ACT to repeal Section 17 of Article 26 of the Annotated Code of Maryland (1966 Replacement Volume), title "Courts," subtitle "Inspection of Records," and to repeal and re-enact, with amendments, Section 76 of Article 35 of the Annotated Code of Maryland (1971 Replacement Volume), title "Evidence," subtitle "Public Statutes, Office Copies and Official Certificates," to eliminate obsolete and unnecessary provisions dealing with inspection of clerks' records by judges and the replacement of dilapidated and worn records, to make new records replacing worn or dilapidated records official records of the court and admissible in evidence, relating generally to the replacement of worn and dilapidated records of clerks of court, making certain provisions plainly applicable to the District Court and the appellate courts, and clarifying language therein.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 17 of Article 26 of the Annotated Code of Maryland (1966 Replacement Volume), title "Courts," subtitle "Inspection of Records," be and it is hereby repealed:

117.

It shall be the duty of the judges of the several courts of law and equity, at every term, to inspect the records and papers of the offices attached to their respective courts relating to lands, tenements or other real estate, and examine the condition thereof and see whether the clerk of such court has performed the duties required of him by law relating to the recording of judgments, decrees, executions and proceedings, and whether he has entered and transcribed the docket entries as required by law. And if it should appear on such examination that any of the records have become so dilapidated and worn as to require them to be transcribed, they shall order and direct the clerk to transcribe the same into new record books which the clerk shall procure for that purpose; and such new records, when so transcribed, shall be carefully examined and certified by said clerk, and when so examined and certified shall be substituted for and become the records of said court in lieu of the worn out records; and the mayor and city council of the City of Baltimore, and the county commissioners of the several counties, respectively, shall levy such sum of money as they shall deem a fair compensation for the labor of the clerk in making such new records. This section not to apply to Montgomery County, as to which a special law exists.]

SECTION 2. AND BE IT FURTHER ENACTED, That Section 76 of Article 35 of the Annotated Code of Maryland (1971 Replacement Volume), title "Evidence," subtitle "Public Statutes, Office Copies, and Official Certificates," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

76.

(A) [Copies] A COPY of any record in the custody of any of the clerks of the DISTRICT COURT, THE courts of law or equity, THE COURT OF SPECIAL APPEALS, THE COURT OF APPEALS, or register of wills, certified by [such] THE clerk or register [,] under the seal of his office, [shall be evidence; and all]