

compass from the true meridian line at least once in every year, the date and time of such tests, and an affidavit verifying its correctness, with the Clerk of the County in which he may reside.

The office of Clerk of the County and that of Clerk of the Circuit Court for the County are separate and distinct. The holder of each office serves a different master, has different duties to perform, and has charge and custody of entirely different records.

Sections 119 through 121 of Article 25 are contained in the Code, under the title "County Commissioners", and inspection of the index to the Annotated Code of Maryland (1951 Ed.), which has been legalized by the Legislature, reveals that Sections 119 through 121 of Article 25, have been indexed under "Clerk to the County Commissioners". It is to be noted that Article 17 of the Code covers the duties of the Clerks of Courts for the State, and that throughout the Code, where the Legislature has intended that the Clerks of Court act, it has specifically referred to them as the Clerks of Court. We believe it is quite apparent that the registration required by Section 120 of Article 25 of the declaration of a registered surveyor's transit, is to be with the Clerk to the County Commissioners, who is the Clerk of the County, and not with the Clerk of the Circuit Court.

NORMAN P. RAMSEY, *Deputy Attorney General*.

SHEPDMAN PRESCOTT, JR., *Asst. Attorney General*.

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CLERKS OF COURT—RECORDS—CLERKS OF COURT MAY PASS REASONABLE RULES & REGULATIONS GOVERNING INSPECTION OF RECORDS IN HIS OFFICE—NO ABSOLUTE RIGHT IN ALL PERSONS TO EXAMINE PUBLIC RECORDS—RECORDS SHOULD BE ACCESSIBLE TO PUBLIC FOR ALL PROPER PURPOSES—LAWYERS & PERSONS WITH ACTUAL INTEREST MAY INSPECT.

November 20, 1956.

*Mr. Henry J. Ripberger, Clerk,
Circuit Court of Baltimore City.*

We have your recent letter in which you ask whether or not you, as Clerk of Court, have the right to refuse persons other than lawyers, their authorized clerks or representatives, or persons involved in litigation, the use of the files and records that you are required by law to keep in your office. You tell us that the number of persons visiting your office daily to see the records, for purposes of promoting private business enterprises, has reached such proportions that it now constitutes a nuisance and interferes with the administration of your office.

The judicial records of this State should always be accessible to the public for all proper purposes, but this does not mean that all persons have a right to inspect the records to satisfy any whim or fancy. The Court of Appeals has said that unless the law specifically says that he must do so, it is not necessary for the Clerk of Court to permit persons to inspect the records in his office. *Belt v. Abstract Co.*, 73 Md. 289. The court, in that case, went further and said that it was the duty of the Clerk not to permit anyone to examine the records in his office unless he or one of his Deputies supervised such examination. In *Pressman v. Elygin*, 187 Md. 446, the court said that if a person desires to see public records out of mere curiosity, the courts will not order the custodian to permit him to see them, even though a statute requires the records to be open for public inspection and that the right to inspect public records, accorded

by statute, must be exercised subject to such reasonable rules and regulations as the custodian of the records finds it necessary to impose in the orderly government of his office.

There is no statutory provision in this State permitting members of the general public to inspect the records in the office of the Clerk of Court. We are therefore governed in this matter by the common law and, at common law, there is no absolute right in all persons to examine public records. It is only when a person can show an actual interest in the record that he is entitled to inspect it.

Section 9 of Article 10 of the Annotated Code of Maryland (1951 Ed.) provides for any lawyer, or his authorized clerk or representative, to inspect the records, but it makes no provision for an inspection of the records by anyone else. The only other section of the Code dealing with the right of the public to inspect the records of your office is Section 1 of Article 17 of the Annotated Code of Maryland (1951 Ed.), which provides that everyone shall be entitled to obtain copies of any papers or records upon application therefor, upon the payment of the usual fees prescribed by law. Such copies are to be made by you, as Court Clerk, and not by the individual requesting the copies. *Belt v. Abstract Co., supra.*

There is nothing in the terms of the statutes that provide for the general public to inspect the records of your office. We are, therefore, of the opinion that you may refuse to permit anyone to inspect the records in your office except lawyers, their authorized clerks and representatives, and individuals who can show an actual interest in the records, and that even they may only inspect them subject to reasonable rules and regulations prescribed by you.

C. FERDINAND SYBERT, *Attorney General.*

STEDMAN PRESCOTT, JR., *Asst. Attorney General.*

CLERKS OF COURT—CONDITIONAL CONTRACTS OF SALE—RECORDING—MEMORANDUM OF CONDITIONAL SALE MUST DESCRIBE CHATTELS SUFFICIENTLY AND MUST SHOW THE AMOUNT DUE AND WHEN AND HOW PAYABLE—ADDITIONAL GOODS MAY BE ADDED TO CONTRACT OF CONDITIONAL SALE BUT WHEN MADE ADDITIONAL MEMORANDUM SHOULD BE RECORDED WITH CLERK OF COURT.

December 7, 1956.

*Mr. D. Ralph Horsey, Clerk,
Circuit Court for Caroline County.*

Your recent letter asks whether or not you, as the Clerk of Court, are required to record a particular memorandum of a conditional contract of sale. The memorandum of conditional sale which you have submitted for our inspection refers to the goods and chattels covered by the instrument as "tractors, combines, corn pickers and additions, replacements, and substitutions". It does not include any further description of any of the particular chattels it is intended to include. Its designation of the chattels would fit any other chattels of the same kind. It does not even state how many of each type of the chattels named therein it is intended to cover. It also purports to cover other chattels which are only generally described therein as additions, replacements and substitutions. In our opinion, this amounts to no description at all.

The purpose of a description is to afford a means to identify specifically the chattel covered by the instrument. An adequate description is one which may be applied only to one chattel and not to all falling in the same classification. Tractors, combines, corn pickers and most other chattels today can be identified by manufacturer's name, year of make, model, size and serial number. All of these are aids to identification of particular chattels. The memorandum submitted fails to contain an adequate description of any