

File No. 87028

March 30, 1951

Mr. Howard C. Beck, Jr.
City Auditor
City Hall
Baltimore - 2, Maryland

SUBJECT: Audit Report of the Clerk of the Court of
Common Pleas from April 1, 1949, to
March 31, 1950.

Dear Mr. Beck:

In your letter of recent date you quote portions of your comments in reference to "Collection Fees" and "Theatrical Licenses - Shows" concerning your audit of the accounts of the Clerk of the Court of Common Pleas in reference to income due the Mayor and City Council of Baltimore. You ask consideration by this office of your comments, and note that a clarification is needed of Section 506 of the Charter and Public Local Laws of Baltimore City 1949.

In reference to collection fees you note an apparent inconsistency on the part of the Clerk of the Court of Common Pleas in charging and collecting a fifty cent fee for the Sheriff of Baltimore City in connection with the issuance of certain types of licenses, and the failure on the part of the Clerk to collect this fee when issuing other types of licenses. Although this office could give you an opinion and interpretation on this matter, such opinion would in no way be binding or of any legal effect upon the Clerk of the Court of Common Pleas - an officer of the State of Maryland - whose legal adviser is the Attorney General of Maryland. An opinion on this question by the Attorney General would be binding upon the Clerk of the Court of Common Pleas, and would, I am sure, eradicate whatever inconsistencies there may now be in the collection of fees for the Sheriff of Baltimore City in connection with the issuance of licenses.

You note in the remaining portion of your letter what appears to be a general lack of enforcement of those provisions of the State law, Article 56, Section 106, pertaining to the issuance of licenses for shows and theatrical performances.

Under the provisions of Article 56, Section 8, the State License Bureau is charged with enforcing the requirements of the State license law, and under the provisions of Article 56, Section 6, the respective sheriffs of the counties and