

Mr. Howard C. Beck, Jr., City Auditor (cont'd)

Section 29 of Article 87, Title "Sheriffs", Sub-title "Collection of Officers' Fees", reads as follows:

"The sheriff shall collect all fees due to the following officers which may be placed in his hands for collection between the first day of January and the first day of May in each year, namely: attorneys, clerks of all the courts, commissioner of the land office, coroners, criers, registers of wills, surveyors and sheriffs. This section shall not apply to Baltimore City or Harford County". (Underscoring supplied)

Section 33 of the same Article, same Sub-title, reads in part as follows:

"The sheriff shall, before the first day of November in each year, account with and pay over to each officer who may have placed fees in his hands for collection; and if any sheriff shall refuse or neglect to pay over officers' fees which he has received or collected, or ought to have collected, the person entitled to receive the same may apply to the circuit court for the county or any of the courts in the City of Baltimore having jurisdiction over the amount claimed and such court shall render judgment against such sheriff for the amount due from him; \* \* \*"

By the language of Section 29, Baltimore City was expressly excluded from its operations, but Section 306 of the Charter and Public Local Laws of Baltimore City, however, apparently adopted to fill the void left by the exclusion of Baltimore City from the operation of Section 29 of Article 87 (Public General Laws), and expressly made applicable to the Sheriff of Baltimore City, reads as follows:

"The Sheriff shall collect the fees due to the following officers, which may be placed in his hands for collection, namely; attorneys, clerks of all the courts, commissioner of the land office, coroners, criers, registers of wills, surveyors and sheriffs".

Attorneys, therefore, in Baltimore City are expressly included within the definition of those "officers" for whom the sheriff shall collect fees, and in view of the language used in Section 306, supra, we need not concern ourselves with whether or not an attorney at law falls into the generic classification of "officer", an attorney being an "officer" on whose fees the Sheriff of Baltimore City should collect the 6% commission.