

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

In the case of State v. Green, 122 Md. 288 (decided in 1914) although the questions of the commissions collected by the Sheriff based on the appearance fees due the State's Attorney, and costs due the Clerk of the Criminal Court, were involved, there was no issue raised as to any commissions having been charged or collected on attorneys' fees.

It is our understanding that the practice on the part of the Sheriff of Baltimore City in not deducting the 6% fee on every amount collected by him as the fees for attorneys, is of long practice, followed for many, many years both by the present incumbent and his predecessors in office; that this practice is uniform and is known to the members of the Bar and the members of the Bench, and is so general that the knowledge and adoption of it must be presumed. It is, in short, and has acquired the classification of "a custom", and has been established, so to speak, as an informal rule and principle of law and interpretation which must be given weight.

In the light of the foregoing, and the statutory language used, it is our opinion that the Sheriff of Baltimore City, under the sections of the law hereinbefore quoted, is required to charge a 6% fee for collecting attorneys' fees, only in those instances where the fees collected by him for an attorney amount to \$100.00 or more.

Very truly yours,

/s/ THOMAS N. BIDDISON  
City Solicitor

/s/ WILLIAM J. O'DONNELL  
Assistant City Solicitor

WJO"D:keb