

This section by necessary implication, is not expressly, indicates that parties requiring the services are to pay fees. *Peter v. Prettyman*, 62 Md. 572.

The object of this section stated. The debtor may waive his privilege under this section. *Jamison v. State*, 55 Md. 103.

As to the collection of officers' fees by the sheriff, see art. 87, sec. 29, *et seq.*

See notes to art. 27, sec. 5.

An. Code, 1924, sec. 2. 1912, sec. 2. 1904, sec. 2. 1888, sec. 2. 1870, ch. 441. 1874, ch. 377. 1876, ch. 216. 1892, ch. 91. 1896, ch. 409.

2. No account for officers' fees by any of the several officers herein named, rendered for services to or in behalf of the counties of this State in this section named, shall be allowed by the county commissioners thereof until said account has been submitted to and approved by the judges of the circuit court for said county or a majority thereof; and no charge for officers' fees shall be paid or allowed by the county commissioners afore-said in any criminal case where jurisdiction to try, hear and determine the matter charged against the party accused has been conferred by law upon justices of the peace, but the county commissioners may levy or pay to the officers performing service in such cases such compensation as they in their discretion may deem right and proper. This section shall apply only to the counties of Caroline, Kent, Queen Anne's, Talbot, Prince George's, Charles and Harford.

Judges have nothing to do with the allowance of fees in criminal cases heard before a justice of the peace; mandamus will not lie to control discretion of county commissioners in matter of such fees, but it will lie to require county commissioners to act upon a claim made. The portion of this section imposing upon judges the duty of approving accounts is unconstitutional, and the portion prohibiting payment of fees without approval of judges, is nugatory. *Robey v. Prince George's County*, 92 Md. 158.

Execution for Fees.

An. Code, 1924, sec. 3. 1912, sec. 3. 1904, sec. 3. 1888, sec. 3. 1779, ch. 25, sec. 11. 1822, ch. 219, sec. 2. 1861, ch. 55.

3. No officer, under the penalty of five hundred dollars, shall send out his fees on execution more than once in every year between the first day of January and the first day of May; but in Baltimore City any officer may send out his fees on execution at any time during the year.

This section does not compel officers to send out their fees for execution once every year, but simply restrains them from doing so oftener. This section was not repealed by act, 1822, ch. 219. *Logan v. State*, use *Nesbitt*, 39 Md. 178.

Officers' fees need not be sent out for collection in the next year after the performance of the services. *Hall v. Belt*, 8 G. & J. 478.

As to collection of officers' fees by sheriff, see art. 87, sec. 29, *et seq.*

An. Code, 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1888, sec. 4. 1852, ch. 308, sec. 3.

4. If any officer shall, by himself, his deputies, agents, or clerks, charge, receive, ask or demand any larger or greater fees than are allowed by this article, he shall for each offense forfeit and pay a sum not exceeding one hundred dollars and not less than twenty dollars, to be recovered by indictment in the circuit court for the county where such officer resides; or, if the offense be committed in the city of Baltimore, by indictment in the criminal court of Baltimore, one-half to the informer, the other half to the State.

An. Code, 1924, sec. 5. 1912, sec. 5. 1904, sec. 5. 1888, sec. 5. 1852, ch. 308, sec. 4.

5. If any officer shall, by himself or his deputies, agents or clerks, ask, receive or demand any fees herein allowed, after the same have been paid,