

UNLESS OTHERWISE PROVIDED BY LAW, A CLERK IS NOT REQUIRED TO RECORD ANY PAPER FILED WITH HIM OR TO PROVIDE ANY PERSON WITH A COPY OF A PAPER UNTIL THE APPLICABLE CHARGE HAS BEEN PAID.

REVISOR'S NOTE: This section is new language and spells out the general court-related duties of all clerks as set forth in Art. 17, §§ 1, 10, 31, 35, 40, and 42, which are proposed for repeal; and the fifth sentence of Art. 26, §149(d).

No attempt is made to include a comprehensive statement of all court related functions of clerks since many of these are non-statutory, imposed only by tradition and common law. Among these duties are attendance in court and swearing witnesses. Still other duties are imposed by rule. Paragraph (a) (10) requires a clerk to perform such duties. See §2-502 for a partial list of dockets to be kept by the clerk of a circuit court. Other docket-keeping provisions appear with the substantive law to which they pertain.

The provision authorizing the clerks of the circuit courts to administer oaths of office to court officers appears in subtitle 1 of this title and the provisions relating to other officers will appear in the State and Local Government Article.

The non-court related functions of clerks, such as issuing licenses and recording instruments, will appear with the substantive law to which they pertain.

Portions of Art. 17, §1 appear elsewhere in this subtitle.

Subsection (b) provides that the duty of a clerk to act does not arise until his fee has been paid. There are certain exceptions to this rule. See §§ 7-102 - indigency, and 7-203 - removed cases of this article; Art. 17, §3 - copies of discharge records for veterans, and other sections of the Code.

SEC. 2-202. EXPENSES OF OFFICE.