

1904, art. 69, sec. 4. 1888, art. 69, sec. 4. 1860, art. 69, sec. 4. 1856, ch. 16, sec. 4.

4. Whenever the governor shall be apprised that a commission has been inadvertently issued to any one, he shall cause the state's attorney of the county or of the city of Baltimore to sue out of the circuit court for the said county, or from the superior court of Baltimore city, court of common pleas or Baltimore city court, a writ of *quo warranto* directed to the person professing to hold the office mentioned in the commission so improvidently issued to inquire into the right whereby such office is so held; and if it shall appear on the trial that at the time of the election or appointment of such person he had not accounted with and paid into the treasury of the State any money which he should have accounted for and paid into the treasury before such election or appointment, then the court shall adjudge said election or appointment to have been null and void from the beginning and the office to be vacant.

This section and section 5, together with article 23, section 367 of the code of 1904, the latter relative to proceedings for the forfeiture of charters of corporations, held to be the only statutory provisions authorizing proceedings in the nature of *quo warranto* proceedings. A state's attorney has no authority to institute proceedings to oust an incumbent from a public office. *Hawkins v. State*, 81 Md. 311.

As to state's attorneys, see art. 10, sec. 20, *et seq.*

*Ibid.* sec. 5. 1888, art. 69, sec. 5. 1860, art. 69, sec. 5. 1856, ch. 16, sec. 5.

5. The state's attorneys for the several counties and for the city of Baltimore, whenever they shall be informed that any one has been commissioned in their respective counties or in the said city who was at the time of his election or appointment to office in default to the treasury of the State for not accounting for and paying over to the treasury any moneys which he ought to have accounted for and paid into the treasury, shall cause inquiry to be made of the comptroller for a statement of the account of the party so commissioned and, if it shall appear from the certificate of the comptroller that said person is in default, shall cause to be had the proceeding authorized by the preceding section; and the failure of any state's attorney to comply with this section shall be a misdemeanor in office, and on conviction thereof he shall be removed.

See notes to sec. 4.

*Ibid.* sec. 6. 1888, art. 69, sec. 6. 1860, art. 69, sec. 6. 1856, ch. 16, sec. 8. 1876, ch. 206.

6. The comptroller shall furnish each officer of the State, whose accounts are in arrears, at least sixty days prior to a general election, a full statement of his accounts, and in default of his accounting for such deficiencies within thirty days, then it shall be the duty of the comptroller to publish weekly for one month in one or more newspapers in the county or city in which said defaulters have held or may be holding office, and in no other newspapers, the names and titles of said officers with the amount of said deficiencies; and the cost of advertisement of the account of every such defaulter may be recovered in the name of the State against the official bond of such defaulter; but no defaulter