

not prevent the commissioners of any county from allowing, in their discretion, a larger sum to the State's attorney of said county than the amount of the accounts so allowed and certified by said court or judges. This section shall not apply to Garrett county, Allegany county and Anne Arundel county.

If one of the judges refuses to certify under this section, the account should be submitted to the other judges of the circuit for certification. No one of the circuit judges can by mandamus compel another to certify.

*Quære*, whether the portion of this section requiring the judges to approve accounts, is constitutional. *Goldsborough v. Lloyd*, 86 Md. 378. See also. *Robey v. Prince George's County*, 92 Md. 158.

1904. art. 10, sec. 24. 1888, art. 10, sec. 22. 1868, ch. 285, sec. 1.

**25.** The comptroller of the treasury is authorized to adjust and settle the claims of any of the State's attorneys of the several counties and the city of Baltimore for appearance fees in civil cases due them by the State, and for all fees similarly due for services rendered under the opinion of the attorney general in the matter of cases removed from said county for trial or otherwise, and to fix and determine the amount due to said State's attorneys, respectively, and to allow the same, and to issue his warrant upon the treasurer for the payment of such amounts, which said warrant the treasurer is hereby authorized to pay.

As to the payment of the compensation of the state's attorney in removed cases, see art. 75, sec. 108.

See art. 19, sec. 30.

*Ibid.* sec. 25. 1888, art. 10, sec. 23. 1860, art. 11, sec. 23. 1849. ch. 28, secs. 1-3. 1856, ch. 19.

**26.** Whenever it shall become necessary from the absence, sickness, resignation or death of any State's attorney, the several courts of this State shall have power to appoint some competent person to perform the duties of State's attorney in conducting criminal or civil cases depending in such court until a State's attorney shall be appointed and qualify, or be able to attend and act in person, as the case may be, and the person so appointed shall receive the same compensation as the State's attorney.

Cited but not construed in *McCauley v. State*, 21 Md. 568.

*Ibid.* sec. 26. 1888, art. 10, sec. 24. 1864, ch. 243.

**27.** In any case where judgment shall be recovered by the State against any principal debtor and a surety or sureties, and said judgment shall be satisfied by said surety or sureties, the same shall be entered by the attorney representing the State to the use of the surety or sureties satisfying the same, on the said attorney filing in the case a certificate of the comptroller stating that said judgment has been so satisfied, and said surety or sureties shall then be entitled to execution in his, her or their own name or names against the principal and other sureties, in the same manner and subject to the same provisions contained in sections 6 and 7 of Article VIII.

This section apparently grew out of the decision in *Peacock v. Pembroke*, 8 Md. 348.

This section is substantially the same as art. 8, sec. 8—see notes thereto.