

to practice law, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not more than \$200 or confinement in jail for not more than six months.

### State's Attorney.

An. Code, sec. 20. 1904, sec. 19. 1888, sec. 17. 1821, ch. 126. 1862, ch. 177.

**21.** The State's attorney for each county and the city of Baltimore shall, in such county or city, prosecute and defend, on the part of the State, all cases in which the State may be interested.

The duties of the state's attorney are such only as are prescribed by our Constitution and statutes. His duties do not extend to prosecuting before an officer holding an inquest or regulating the expenses thereof. *Kulgour v. Evening Star Co.*, 96 Md. 29.

While suits for the state must generally be brought by the state's attorney, there are exceptions (see sec. 26). *McCauley v. State*, 21 Md. 569.

As to the appointment of assistant counsel to represent the state, see art. 26, sec. 7.

As to the duty of the state's attorney to institute proceedings of *quo warranto*, see art. 69, secs. 4 and 5.

As to the duty of the state's attorney with reference to property left in trust for the purposes of education, see art. 25, sec. 164.

See art. 5, sec. 7, *et seq.*, Md. Constitution.

An. Code, sec. 21. 1904, sec. 20. 1888, sec. 18. 1795, ch. 74, sec. 2.

**22.** He shall, *ex officio*, on the application of the sheriff of his county or city, order execution to be issued for the recovery of all fines, penalties and forfeitures which shall be imposed by any court of record of this State, together with the costs accruing thereon.

An. Code, sec. 22. 1904, sec. 21. 1888, sec. 19. 1831, ch. 208, sec. 3.

**23.** In cases where recognizances to prosecute have been entered into, and before presentment or indictment found, the several courts of this State having jurisdiction of crimes and offences, upon the motion of the State's attorney, with the consent of the parties injured and accused, may compromise any assault and battery, the party accused paying the same costs as would have been incurred by the finding a true bill and plea of guilty; provided, such court shall consider it proper in reference to the peace of the State so to do.

An. Code, sec. 23. 1904, sec. 22. 1888, sec. 20. 1829, ch. 90, sec. 4.

**24.** The State's attorney in the several counties and the city of Baltimore shall aid the comptroller and treasurer in the adjustment of the accounts of the clerks, registers and sheriffs of their respective counties and the said city with the State, and shall advise the comptroller and treasurer, when required, of such allowance as he ought or ought not to make the accountant for insolvency or non-residence; and for such service and for his professional services in the collection of the revenue, the comptroller may allow such attorney five per cent. on all monies sued for and paid into the treasury.

Cited but not construed in *Peacock v. Pembroke*, 8 Md. 352.