

allowed by law, he shall, on conviction thereof, be removed from office; provided, that the State's Attorney for Baltimore City shall have the power to appoint a Deputy and such other Assistants as the Supreme Bench of Baltimore City may authorize or approve and until otherwise provided by the General Assembly, the said State's Attorney, Deputy and Assistants shall receive the following annual salaries: State's Attorney, seven thousand five hundred dollars, Deputy State's Attorney, five thousand dollars, Assistant State's Attorneys, four thousand dollars each; said salaries, or such salaries as the General Assembly may subsequently provide, and such expense for conducting the office of the State's Attorney as the Supreme Bench of Baltimore City may authorize or approve shall be paid by the Mayor and City Council of Baltimore to the extent that the total of them exceeds the fees of his office, or as the General Assembly shall otherwise provide, and the Mayor and City Council of Baltimore shall not be liable for appearance fees to the State's Attorney.¹

In view of this section and of art. 15, sec. 1, of the Md. Constitution, and also of art. 10, secs. 37 and 38 of the An. Code, appearance fees received by state's attorneys are required to be reported to the comptroller and the excess over the prescribed salary paid annually into the state treasury. Compensation of state's attorney of Somerset county limited to his annual salary—fact that amount of appearance fees was paid to the clerk of the court, immaterial. *Mandamus* not proper remedy. *Tull v. Sterling*, 133 Md. 165.

A state's attorney has no authority to institute proceedings in the nature of *quo warranto* to oust an incumbent from a public office; state's attorneys in Maryland possess no other powers than those prescribed by the Constitution or by statute. *Hawkins v. State*, 81 Md. 310 (decided in 1895).

See notes to art. 3, sec. 52, of Constitution.

Sec. 10. No person shall be eligible to the office of State's Attorney who has not been admitted to practice Law in this State, and who has not resided for at least two years in the county or city in which he may be elected.

Sec. 11. In case of a vacancy in the office of State's Attorney, or of his removal from the county or city in which he shall have been elected, or on his conviction as herein specified, the said vacancy shall be filled by the Judge of the county or city, respectively, having criminal jurisdiction, in which said vacancy shall occur, for the residue of the term thus made vacant.

See notes to art. 4, sec. 32.

Sec. 12. The State's Attorney in each county, and the City of Baltimore, shall have authority to collect, and give receipt, in the name of the State, for such sums of money as may be collected by him, and forthwith make return of and pay over the same to the proper accounting officer. And the State's Attorney of each county, and the City of Baltimore, before he shall enter on the discharge of his duties, shall execute a bond to the State of Maryland, for the faithful performance of his duties, in the penalty of ten thousand dollars, with two or more securities, to be approved by the Judge of the Court having criminal jurisdiction in said counties or city.

This section referred to—see notes to art. 15, sec. 1, of the Constitution. *Schneider v. Yellott*, 124 Md. 98.

¹ Thus amended by Act of 1912, ch. 624, ratified Nov. 4, 1913 and by Act of 1924, ch. 177, ratified Nov. 4, 1924.