

county commissioners of their respective counties, for all such services and expenses as are properly chargeable against said board of county commissioners, to state fully and particularly the services rendered, and the time and place when and where said services were rendered, and the items of expenses incurred in the proper discharge of their duties, which account may include a reasonable trial fee for each case actually tried, to be allowed in the discretion of the court, as well as the appearance fee provided by law, and a reasonable compensation for all other services performed by him; and which accounts, together with the affidavit of said State's attorney as to the correctness thereof, and the fairness of the charges therein made, shall be submitted by such State's attorneys to the judges of the circuit courts for their respective counties; and it shall be the duty of said judges to examine said accounts, and if the items thereof are properly chargeable against said county commissioners, and the charges are fair and reasonable, the said judges shall endorse on said accounts their certificate to that effect; and upon the certificate aforesaid of the said judges, or a majority of them, being endorsed upon said accounts, the said accounts shall be filed with the clerk of the board of county commissioners of the respective counties and it shall be the duty of the county commissioners of the respective counties to pass said accounts as certified to them by said judges, or a majority thereof; and it shall also be the duty of said county commissioners to levy and collect, for the use of the State's attorneys of their respective counties, the amounts of money so as aforesaid certified by said judges, or a majority of them, to be properly chargeable by said State's attorneys, at the same time and in the same manner that other county taxes are levied and collected; provided, that this section shall 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.

In view of this section and sec. 26 and of art. 15, sec. 1, and art. 5, sec. 9, of the Md. Constitution, 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 appearance fees were paid to the clerk of the court, immaterial. *Mandamus* not proper remedy. *Tull v. Sterling*, 133 Md. 166.

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.

An. Code, 1924, sec. 26. 1912, sec. 25. 1904, sec. 24. 1888, sec. 22. 1868, ch. 285, sec. 1.

38. 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. 115.

See art. 19, sec. 30, and notes to sec. 25 (this article).