

That it appeared to him that the bill ran too much into detail. In making a Constitution, they should merely draw the general outlines, and make the instrument as brief as possible. They should guard against transacting the business of legislation. In looking at the remainder of the bill, there appeared to be much that could be condensed. The third section undertook to provide for the fees, and the fourth to provide for filling vacancies. The fifth section he regarded as unnecessary. It provided that no Attorney should be elected unless he had been admitted to practice at the bar.

If it was necessary to place any such restriction upon the freedom of the election, it was an objection *in limine* to the whole plan. He would move to strike out the remainder of the bill, and to insert a single section into which he had endeavored to condense all that was essential, as follows:

**Section 3.** The State's Attorneys in the several counties of the State, and the city of Baltimore shall be elected when the Governor's election shall take place, and in the event of any vacancy occurring in said offices, the court of the county or city where such vacancy shall occur, shall have power to fill such vacancy until the next regular election for Governor takes place, the fees and commissions to the State's Attorneys shall be the same as are now allowed by law to the Attorney General and his deputies, subject to such change from time to time, as the legislature may provide, and the legislature may provide by law all necessary rules and regulations in relation to said officers, not inconsistent with the purposes of this Constitution; the first election shall take place for State's Attorneys, at the same time and place where the members of the next House of Delegates shall be elected, and the officers then chosen, shall hold their offices until the next election for Governor."

Mr. SHRIVER said:

That he had sought to perfect the details as much as possible, and supposed that in so doing, he had been carrying out the known wishes and sentiments of the Convention. When the bill had been perfected, the vote upon the substitute would decide the question.

In order to perfect the portion moved to be stricken out, before taking the question upon that motion,

The third, fourth, fifth, sixth and seventh section were read as follows:

**Sec. 3.** The fees and commissions to the State's Attorneys, shall be the same as are now by law allowed to the Attorney General and his deputies, subject to such change, from time to time, as the legislature shall provide; and to receive any other fee or reward, than such as is allowed by law, shall be, upon conviction, sufficient cause for removal from office.

**Sec. 4.** That in case of vacancy in the office of State's Attorneys, by death, resignation, refusal to act, disqualification, removal from the county, or city of Baltimore, in which he shall have been elected, or upon conviction, as herein

before specified, the said vacancy shall be filled by the judge or judges of the court having criminal jurisdiction in the county, or city of Baltimore, respectively, in which said vacancy shall happen, until the next general election thereafter, when the plurality vote of the qualified voters of the county, or the city of Baltimore, in which said vacancy shall occur, shall elect a suitable person for the residue of the term thus made vacant.

**Sec. 5.** No person shall be eligible to the office of State's Attorney, who has not been admitted to practice the law in this State, and who has not resided for at least one year in the county or the city of Baltimore, in which he may be a candidate for election.

**Sec. 6.** All elections for State's Attorneys shall be certified to, and returns made thereof, by the clerks of the respective counties, and the city of Baltimore, to the judge or judges of the court having criminal jurisdiction in said counties, and the city of Baltimore, and by whom the oath of office shall be administered.

**Sec. 7.** The election of State's Attorneys shall take place throughout the State, on the first Wednesday of October next, and on the same day every third year thereafter; and, in case of a tie between two or more persons for said office, then, the judge or judges of the court having criminal jurisdiction in the county, or city of Baltimore, in which said tie may happen, shall designate which of said persons shall qualify as State's Attorney.

Mr. SHRIVER moved to amend the seventh section by striking out the words "first Monday of October," and inserting in lieu thereof the words:

"The Tuesday after the first Monday of November."

Mr. SPENCER expressed a hope that the election of these officers might take place at a time when no other elections were taking place. He hoped that the elections of these officers would not be mingled with party politics.

Mr. PHELPS said:

That he considered the concentration of elections, as one of the great reforms required. One great object was to get rid of the annual elections, and a continual recurrence to the ballot box. He hoped, therefore, that the Attorneys would be elected at the same time with other officers.

Mr. SPENCER was willing to go as far as any member present, with regard to reforms; but if he apprehended the matter, it was the desire of the State of Maryland to keep all the State officers as far as possible removed from party. He was opposed to every thing looking to the mingling of party with these elections. Every reformer would agree with him in this desire. He was proud to say, that upon a comparison of the opinions of the judiciary committee, there was not a dissentient voice upon the subject; not one who was not in favor of having the election of judges at a time when no other elections were taking place.

They did not wish a State nor a national elec-