

No further amendment was offered to this section.

The next section of the report was then read as follows:

STATE'S ATTORNEYS.

"Section 1. There shall be an attorney for the State in each county and the city of Baltimore, to be styled "the State's attorney," who shall be elected by the voters thereof, respectively, on the _____, and on the same day every fourth year thereafter, and hold his office for four years from the _____ next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and be subject to removal therefrom for incompetency, wilful neglect of duty or misdemeanor in office, on conviction in a court of law."

On motion of Mr. SMITH, of Carroll, the first blank was filled with the words, "Tuesday next after the first Monday in November, 1867."

On motion of Mr. SMITH, of Carroll, the second blank was filled with the words, "first Monday of January."

No further amendment was offered to this section.

The next section was then read, as follows:

"Sec. 2. All elections for the State's attorney shall be certified to, and returns made thereof, by the clerks of the said counties and city to the judges thereof having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualifications of the persons returned, and in case of a tie between two or more persons, to designate which of said persons shall qualify as State's attorney, and to administer the oaths of office to the persons elected."

Mr. MILLEB. I know this section follows the phraseology of the old constitution, but it will depend upon the new organization of the courts, whether these words "having criminal jurisdiction respectively" ought to be inserted in this section.

Mr. THOMAS. There will always be some court in the counties, and in the city of Baltimore which must necessarily have criminal jurisdiction. I can see no difficulty in this section.

Mr. MILLEB. These returns are to be reported "to the judges."

Mr. THOMAS. The gentleman can secure his object my making it read "to the judge or judges."

Mr. SMITH, of Carroll. The committee on revision can determine that after we shall have completed the report of the committee on the judiciary.

No amendment was offered to this section.

SALARY OF STATE'S ATTORNEYS.

The next section was read as follows:

Sec. 3. The State's attorney shall perform such duties, and receive such fees and

commissions as are now prescribed by law, and such other duties, fees and commissions, as may hereafter be prescribed by law, and if any State's attorney shall receive any other fee or reward than such as is, or may be allowed by law, he shall on conviction thereof, be removed from office; provided, the State's attorneys of the several counties shall receive not less than _____ dollars per annum; and provided the State's attorney for Baltimore city shall have the power to appoint one deputy, at a salary of not more than _____ dollars per annum, to be paid by the mayor and city council of Baltimore, as city officers are paid.

Mr. THOMAS submitted the following amendment:

Insert after the word "than," in the seventh line, the words "eight hundred."

Mr. THOMAS said: It very often happens in some counties of the State that the office of State's attorney pays so badly that we cannot get a member of the bar to take the position with the trouble it gives him, unless he is guaranteed a certain salary. The idea of the committee, or at least a portion of them—for I do not know whether the committee was unanimous upon the subject, or not—was that \$900 should be fixed, so as to insure the State's attorney at least \$800 as a salary, which I think is very small, to be paid by the county commissioners.

Mr. DANIEL. I move to fill the blank by inserting "five hundred." In some of the counties the State's attorney has very little to do. Besides that, it is frequently a very excellent school for practitioners, and I have known it to be one of the best ways of introducing young practitioners in their professions. It does not interfere with their practice; and I think that \$500 would be ample, especially as I know that in many counties the fees do not amount to more than \$200 or \$300.

Mr. BERRY, of Prince George's. I should think if it could be accomplished, that it would be better to leave it to the commissioners of the several counties to fix the salary to be paid to the State's attorney. With us, we have a good deal of commercial business, and the State's attorneyship is worth \$1400 or \$1500. In some counties it is worth very little. If you fix a uniform salary for all of them, you give those who have a good deal of work no more than those who have little to do.

Mr. SMITH, of Carroll. That is not the construction we have given to the language. It is to give them this amount, at least.

Mr. MAYHUGH. I should prefer to substitute the compensation now allowed by law.

Mr. CLARKE. Is it proposed to pay the deficiency, if there should be any, from the county or the State treasury?

Mr. SMITH, of Carroll. It is to be paid by the county commissioners. I have an amendment to meet that.