

presiding over the circuit in which the county is included, the prosecuting officer is the next man not only in responsibility but in utility to the community to which he belongs. I throw out these ideas for the consideration of the convention; and I say again to my friend from Worcester (Mr. Purnell,) that it is not so much the services that the State's attorney is called upon to render as the fact that his acceptance of that position cuts him off from other practice, which, if he be a man of ability, will pay him frequently more in a single case than you propose to give him for a year's salary. The consequence is that no competent person can accept. I should like to have these offices always filled by a competent person, skilful, and not an inexperienced individual who for \$500 and as his first step in life is willing to take the position. There is scarcely any individual officer in the community in whose ability the safety of the citizens of the community is so much involved.

MR. PURNELL. My friend from Howard (Mr. Sands) doubtless misapprehends me when he supposes that I wish for one moment to depreciate the office of State's attorney. That is not my purpose. I only spoke with reference to my particular county, and with reference to the extent of the business which was required of that officer. If the office is so important and so necessary to be filled by an able man, it seems to me that a salary of \$800 would be wholly inadequate to command the services of such a man. The truth of the matter is, as I observed, that this office is generally taken by some young practitioner of the bar for the purpose of introducing himself into practice, acquiring a notoriety and celebrity which he could not otherwise acquire in the same length of time. — Having served one term his aspirations are generally gratified, and he resumes or goes on with his practice; for this forms a very unimportant part of the practice of his profession, and he pursues his profession as though he did not hold the office, except that he cannot take a fee against the State; but in civil practice he has the opportunity of taking all that offers. He only holds this office as giving him to some little extent an importance in his profession, being the representative of the State in that community. I presume you could not get in the county of Worcester a man who is engaged actively in his profession for the sum of \$800 a year; for in a single isolated case \$500 might be offered which would more than cover the amount of salary he would receive as district attorney. You cannot get a lawyer in such a position to accept the office for a salary of \$800, limiting him to prosecution for the State.

I am aware of the necessity of bringing in all infractors of the law, to justice; and perhaps the gentleman's estimate is no higher than mine of an efficient State's attorney. The

young men we have had in Worcester as State's attorneys have been energetic and talented; and I do not know that any offenders have escaped unwhipped: I do not know that any who have violated the law have escaped without being punished for it, under the efficient district attorneys it has been our good fortune to have.

The question being taken upon filling the blank with "800," the largest sum, the result was—yeas 30, nays 21—as follows:

Yeas—Messrs. Audoun, Berry, of Prince George's, Billingsley, Brooks, Carter, Chambers, Clarke, Crawford, Cunningham, Dent, Earle, Galloway, Harwood, Hodson, Hollyday, Horsey, Jones, of Somerset, Kee'er, King, Lee, Miller, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Stirling, Swope, Thomas, Wickard—30.

Nays—Messrs. Abbott, Brown, Cushing, Daniel, Ecker, Hebb, Hopkins, Larsh, Mayhugh, Murray, Nyman, Parker, Parran, Pugh, Purnell, Robinette, Smith, of Worcester, Snary, Stockbridge, Valliant, Wooden—21.

When his name was called,

MR. SANDS said: I ask to be excused from voting, being one of the unfortunate class of State's attorneys.

Not being excused, he voted "aye."

The blank was accordingly filled with "800."

MR. AUDOUN moved to fill the blank in the ninth line with 1500.

MR. STIRLING. I have an amendment to offer, not with regard to filling the blank, but the clause as it at present stands is not exactly correct, and would have the effect of absolutely increasing the salary of the State's attorney by \$1500, which I know was not in contemplation. After consultation with my colleague who now holds that office (Mr. Thomas,) I have prepared and now offer the following amendment:

Strike out all after the word "the," in the tenth line, and insert the words "said State's attorney, out of the fees of his office, as has heretofore been practiced."

It is important to tell where the money is to come from before filling the blank. Nobody is interested in it but the State's attorney who will have to pay it.

MR. AUDOUN withdrew his amendment temporarily.

MR. MILLER. Under the present constitution of this State there is a provision that all officers must account to the treasurer for the amount of all fees received at any time over and above the sum of \$3,000 per year. The State's attorneyship of Baltimore city has been always a paying office; for the amount of fees there has always exceeded \$3,000 a year, and the surplus has been paid over into the State treasury. This amendment offered by the gentleman from Baltimore city (Mr. Stirling,) takes from the treasury, from what has been