

elect a man for the short term, and when he is just becoming experienced in the office you turn him out and put in a new man. For that reason also I think the election should be for the full term, and not simply for the unexpired term left vacant.

There is another reason for this. I think it is highly important that these offices should not all expire at one time. If we have the election always take place for the unexpired term, we shall have all the offices expire at one time; and at a certain period throughout the State we shall have our elections of registers, clerks, State's attorneys, &c., leaving the State with entirely new and inexperienced officers coming in. I think it is better that the offices should expire at different periods. In consequence of deaths and resignations it will so happen; and in one county the office will expire at one time and in another county it will expire at another time. We shall not therefore every four or six years have throughout the State an entire new set of officers. But every two or four years there will be some of the counties electing new officers; and you will have partly old experienced officers, instead of entirely new and inexperienced ones. For this reason I hope the amendment of the gentleman from Kent will prevail.

Mr. STIRLING. So far as my amendment is concerned, it is a mere verbal criticism. The interpretation which it puts upon the words of the constitution has been the interpretation always put upon it in fact. I say that the section was doubtfully drawn. It is perfectly susceptible of the other construction. It is proper to put it in such a form that a man shall hold office until his successor shall be qualified. Then the section goes on to say that when a man is elected he shall hold for the residue of the term. The gentleman from Kent proposes that it shall say that when he is elected it shall be for a new term of four years. That has nothing to do whatever with my amendment. There is no inconsistency with it.

You do not hold any election for members of the general assembly except every two years; but you hold elections under the constitution for county officers, the next year. You should fix the election day upon one or the other of the two, either to say it shall be at the next election thereafter or at the next election of members of the general assembly.

Mr. DANIEL. My colleague will see that this only fixes the day at which the man shall be elected, and says nothing about how long he shall hold. The law is that the judge can only appoint until the next general election, and then somebody must be elected.

The question was stated on the amendment of Mr. CHAMBERS, to strike out the latter clause of the section.

Mr. SMITH, of Carroll. Then we shall have to go back and strike out the provision with

regard to other officers. In every single instance heretofore the provision has been retained to fill the vacancy for the residue of the term made vacant.

Mr. CLARKE. With reference to the clerk, the provision in the present constitution was construed in this way. The clerk elected to fill the vacancy in the office, held for six years.

Mr. SMITH, of Carroll. I am speaking of the constitution we are framing now, and not of the constitution under which we are living.

Mr. CLARKE. I understood that the judiciary decided that he should hold for six years.

Mr. CHAMBERS. That was our understanding in the committee room.

Mr. CLARKE. And that report embraces the most numerous class of officers in the State.

Mr. THOMAS. I will state that the court of appeals put the construction upon this, as stated by the gentleman from Prince George's (Mr. Clarke.) The phraseology with reference to judges in the old constitution, is peculiar:

"Section 25. In case of the death, resignation, removal, or other disqualification of a judge of any of the courts of law, the governor, by and with the advice and consent of the senate, shall thereupon appoint a person duly qualified to fill said office until the next general election 'or delegates thereafter; at which time an election shall be held, as hereinbefore prescribed, for a judge, who shall hold the said office for ten years, according to the provisions of this constitution."

But when it comes to the State's attorney, instead of specifying the term for which the party is elected to fill the vacancy, it says: "at which election, said vacancy shall be filled by the voters of the county or city, for the residue of the term thus made vacant;" clearly showing a distinction made in the present constitution between the two tenures of office as to the judge and clerk, and the State's attorney; the one to be filled by the qualified voters of the county or city for the full term of his predecessor, and the other for the residue of the term thus made vacant.

Mr. DANIEL. I cannot see why the same provision should not apply to the State's attorney that applies to the judges and others, as a matter of principle. I do not see the use of having two elections of State's attorney, when there is only a year or a year and a half remaining to be filled. The judge appoints first, and when the next election of members of the general assembly arrives, you elect for the vacancy, and the year after must elect again. Let the judge appoint until the next election, if you please; or I would be perfectly willing to let him appoint until the term expired; but at any rate when you do elect, elect for four years, as you elect the