

judge for ten years. It is of no use to have two elections following, one this year, and another it may be the next.

There is another reason for it. You may elect a man for a year or a year and a half, and break up his business in other respects. This does not apply so strongly to the State's attorney as to some other officers; but if you elect a man for a portion of the time his business will suffer greatly, and then in a short time you elect somebody else. I think therefore that when he is elected it should be for the full term of four years. The people are just as competent to elect at one time for a term of four years, as at another time for a term of four years. I see no use in electing a man to an office, and just as he becomes acquainted with it turning him out and putting another one in. I think that on principle it ought to be just as it is in the case of the judges.

The amendment submitted by Mr. STIRLING was agreed to.

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

Mr. STOCKBRIDGE. What will then be the construction?

Mr. THOMAS. That the State's attorney elected to fill the vacancy, will serve for the full term of four years, as I understand it.

Mr. STOCKBRIDGE. If that is the operation of it I am ready to vote for it. That makes it accord with what has been recommended by the committee on the judiciary department, although not acted upon by the convention as yet. It is precisely the provision reported by the committee on the judiciary department with reference to registers of wills, almost in the very terms. But to make it clear, I will propose an amendment.

Mr. SMITH, of Carroll. I desire as far as possible to preserve a uniformity of tenure of office with that prescribed by the report on appointment, tenure of office, &c., and that was the reason for making the election for the residue of the term made vacant. But I do not care whether he is elected for four years or two years.

Mr. STOCKBRIDGE. In all the cases so far as I have observed, in the report referred to by the gentleman from Carroll (Mr. Smith,) the persons were appointed, and not elected for the residue of the term.

Mr. STIRLING. It seems to me that the convention ought to adopt one of two courses. Either the appointing power, when it fills a vacancy, should fill it to the end of the term; or if the convention is not disposed to authorize that, but is disposed to require an election by the people, when the people elect they should elect for a full term. If you require the people to elect only for the balance of the term, this state of things can arise under our present constitution. If a man resigns the office of State's attorney in October, the judge appoints

until the first Wednesday in November, and at the first Wednesday in November the people may actually have to elect two State's attorneys, one for four years and the other for two months. That is the law as it is under the present constitution. When a vacancy occurs toward the end of a term, the people have to elect two men, one to fill the vacancy, and one for the full term. It is an absurdity. I agree with the gentleman from Carroll that the convention should make up its mind to adopt one thing or the other.

Mr. STOCKBRIDGE moved to strike out after "occur" in line five, to the word "for" in line seven, so as to read:

"Section 5. In case of a vacancy in the office of State's attorney, or of his removal from the county or city in which he shall have been elected, or on his conviction as herein specified, the said vacancy shall be filled by the judge of the county or city respectively, having criminal jurisdiction in which said vacancy shall occur, for the residue of the term thus made vacant."

Mr. THOMAS. That does away with the amendment of the gentleman from Baltimore city (Mr. Stirling,) already adopted.

Mr. STIRLING. Yes, sir; and I think it is a very sensible amendment.

Mr. THOMAS. The only objection I have to that amendment is this; that in the case of a vacancy in the office of State's attorney, the judge and the State's attorney being so intimately connected, as they are in the transaction of business, it gives the judge the power to appoint a person as State's attorney who might perhaps be too much under the power of the judge. I think the amendment just adopted a better one, to let the judge appoint to fill the vacancy until the next general election, and then to let the people elect for four years.

The question was stated on Mr. CHAMBERS'S amendment.

Mr. CHAMBERS. My object was to avoid too frequent elections. I did not care about the form of it, and I will withdraw it.

The amendment submitted by Mr. STOCKBRIDGE was agreed to.

No further amendment was offered.

#### ATTORNEY GENERAL.

The next section was read as follows:

"Section 6. It shall be the duty of the clerk of the court of appeals, and the commissioner of the land office respectively, whenever a case shall be brought into said court or office, in which the State is a party, or has an interest, immediately to notify the attorney general thereof."

Mr. STOCKBRIDGE. This section relates to the office of attorney general, and not at all to State's attorneys, and seems to be misplaced. I move to strike it out here, and to insert it after section five, under the head of "attorney general."