

Mr. DANIEL demanded the yeas and nays, and they were ordered.

Mr. MILLER. I do not see what objection there can be to filling the blank with \$800, especially as the committee proposes to provide that the county shall pay it. If the gentlemen from the counties that would have to pay it object to it, we might vote against it; but I cannot for my life see why the delegation from Baltimore city should oppose it.

Mr. DANIEL. We are legislating for the whole State.

Mr. MILLER. We think in the counties that \$800 is little enough to pay any man. By a previous provision in this section we give them the fees now prescribed by law, so that they may get a much larger sum than \$800; and if so the counties will not be asked to add anything to the fees of the office. But if in any county it should happen that the fees of the office should run short of \$800, he will be entitled to receive from the county commissioners enough to make up that sum. It is not a tax to come upon anybody except the people of the counties where they happen to be.

Mr. PURNELL. While I am entirely willing that the city of Baltimore should compensate the State's attorney in proportion to the amount of business, in the county of Worcester I am very well satisfied that the salary proposed is too much for the services required. At the last session of the legislature there was a special law passed with regard to Worcester county, by which the fees were regulated, at the suggestion of the State's attorney himself; and as it was entirely satisfactory to him. I think that so far as Worcester county is concerned, \$400 would compensate the State's attorney for the amount of service required of him. There is very little business in that county of that character. Not that we are a more law-abiding or moral people than other counties; but it has so happened that we have very little of that business requiring the services of a State's attorney. The practice has been to elect a man who would accept the office as an introductory matter, and for the sake of giving a little more character to his profession, and after serving a term or two, the office passes into other hands under like circumstances. I think that \$500 would very liberally compensate him in Worcester county; and I suppose there are other counties where \$500 would be a very liberal and fair salary for the amount of labor imposed upon the State's attorney. I suppose that \$800 would be too much for the labor required for that office in the county which I have the honor in part to represent.

Mr. SANDS. I must say to the convention before I make any further remark, that I am not at all interested personally in the sum with which this blank is to be filled, as the fees of the office which I hold amount to twice that

sum and frequently to more; but I want to suggest to my friend from Worcester (Mr. Purnell) some facts in connection with this provision which may induce him to change his mind. There are many counties in the State where a large amount of criminal business is done. Now I am prepared to say that no very young gentleman is qualified to discharge that business. I think any one whose experience in courts of justice is such as to enable him to determine about this fact, will agree with me, that where there is any quantity of criminal business to be done, a very young and inexperienced man is by no means the individual who ought to have charge of it.

What is of more importance to the people of the State at large, than the administration of the criminal justice of the State? I can say that in my observation, on account of the inefficiency of the prosecuting officer, I have seen criminals turned out of court unwhipped of justice, who, had they been properly prosecuted would have got it to its full extent. I would suggest to my friend that there are other considerations besides the mere amount of actual service done, which will always operate upon competent men. I have myself individually had to refuse a fee of \$500 to defend, when as prosecutor I could receive but a fifth part of that sum. Gentlemen of experience, ability and capacity are not going to accept positions which necessitate such things, unless those positions pay him otherwise, not only for his services, but remunerate him for his losses.

The convention will understand me that I am not personally interested at all in filling this blank, because my own salary for nearly ten years past has been largely beyond it, nearly double the amount proposed. But I know from observation that there is no more important post than that of prosecuting attorney, scarcely excepting that of judge.

Mr. STIRLING. I should like to learn from the convention what counties there are in which the fees of the State's attorneys are below \$800. I know there are some, but my impression is that there are very few, and that in those few the services rendered are so small that anybody can be got to do the work.

Mr. SANDS. I do not know. I cannot inform my friend as to the number of counties where the fees are below this sum. But I know this, that whereas the lives and property of citizens are measurably in the protection of this officer, and in a large measure, he ought to be a man at all times well qualified for his post. I repeat that I have frequently seen criminals dismissed unwhipped of justice, merely from the inefficiency or want of experience and knowledge of the prosecuting officer.

We have been fixing the salaries of judicial officers liberally. I declare it as my conviction that in every county, next to the judge