

leave it exactly as it is in the present constitution, to let the county commissioners fix the salaries they will pay. I move to strike out the words "provided the State's attorneys of the several counties shall receive not less than eight hundred dollars per annum."

Mr. PARRAN withdrew his amendment temporarily.

Mr. HERR's amendment was agreed to. No further amendment was offered.

The next section was read as follows:

"Sec. 4. No person shall be eligible to the office of State's attorney, who has not been admitted to practice law in this State, and who has not resided for at least one year in the county or city in which he may be elected."

No amendment was offered.

FILLING VACANCIES.

The next section was read as follows:

"Sec. 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, until the election and qualification of his successor, 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.

Mr. STIRLING. I move to strike out the word "election and qualification of his successor," and to insert the words "until the next election thereafter held for members of the general assembly." There is an ambiguity in the section, which was copied from the old constitution. I do not think the meaning is different; and I know the language of the old constitution is very ambiguous on the subject. It is a matter of serious doubt whether the provision does not mean that he shall hold over for the four years. The first section says that he shall hold his office for four years; and whether a successor could be elected before the four years should expire is a matter of very grave doubt. The officer usually holds his office until the next general election of members of the general assembly thereafter.

Mr. CHAMBERS. I would suggest to the gentleman that he should strike out "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," to make the election for four years instead of two.

Mr. STIRLING. I have no objection to that. I think it is perfectly proper as a general provision, applicable to other officers also. As the section now stands, as copied from the old constitution, it is very difficult to make any meaning out of it at all. It says "until the qualification of his successor," and nobody knows what successor is meant. If it means the successor of the original State's

attorney, then the appointee would hold until the next regular election of State's attorney. But that has not been the interpretation placed upon it, although it seems to be the interpretation that ought to be placed upon it. A man may resign just two years before the election of members of the general assembly; and if at the end of the term a man was elected to fill the vacancy, he might only stay in office from November to January. I accept the amendment.

Mr. SMITH, of Carroll. It seems to me that the language of the constitution can have no other than the plain and simple construction. If a vacancy occurs the judge is to fill it until the election and qualification of his successor. The election, it seems to me, would necessarily take place by a simple, fair construction, at the next general election of members of the general assembly.

Mr. STIRLING. There is no provision except that for election for four years.

Mr. SMITH, of Carroll. There is no direct provision; yet it is until the election and qualification of his successor. If the amendment prevails there might be a hiatus, and there might be no State's attorney at all; because the person appointed might not be qualified until the first Monday in January.

Mr. STIRLING. That can be remedied by retaining the words "and qualification of his successor." I will modify my amendment so as to retain these words.

Mr. SMITH, of Carroll. I think that will accomplish the whole object. I think that will do away with any difficulty, and leave this section to correspond with all the other sections in reference to tenure of office, so that the vacancy shall be filled for the residue of the term, and not for four years, as the gentleman from Kent (Mr. Chambers) proposes.

Mr. STIRLING. I think I would better not accept the amendment of the gentleman from Kent. I agree with it, but there may be a difference of opinion about it, and I think it would better be left as it is. I think myself that is the proper way to put it.

Mr. CLARK. As I understand the amendment, it adopts a principle of electing to fill offices simply for the residue of the term. We have not acted upon the case of clerks or registers. I think it was determined in committee, in relation to the report on the judiciary department, that when an election should take place it should be for the full term of six years, or whatever term might be assigned for these various officers. I would suggest while upon this branch of the question that this is a proper view to be taken of this matter. What is the necessity, when the people themselves elect, the office being vacant, of having an election for two years, and then another election for six years? The one elected to fill the vacancy is as much a party selected by the people as the one elected at the expiration of that term. But you