

did not provide as it ought to do. He concurred with the gentleman from Queen Anne, (Mr. Spencer,) that the fifth section of the report of the committee was faulty, and required some amendment. It read, in substance, thus.

"No person shall be eligible to the office of Prosecuting Attorney, who has not been admitted to practice the law in this State, and who has not resided for at least one year in the county, Howard district, or the city of Baltimore, in which he may be a candidate for election."

There should be some residence mentioned in it, and he ought to be a person somewhat acquainted with the conducting of criminal trials. Another objection he had, was to the sixth section:

"All elections for Prosecuting Attorneys shall be certified to, and returns made thereof by the clerks of the respective counties."

Now, there was nothing contained in the Constitution, respecting the tribunal to which the returns were to be made made, or how the Attorney was to be admitted to the performance of his duties, if the returns were not made "to the judge or judges of the court having criminal jurisdiction in said counties, by whom the oath of office shall be administered." It was right that the oath of office should be administered.

The seventh section also provided that "the election of Prosecuting Attorneys shall take place throughout the State, on the first Wednesday of October next, and on the same day every third year thereafter; and, in case of a tie between two or more persons for said office, then, the judge or judges of the court having criminal jurisdiction in the county in which said tie may happen, shall designate which of said persons shall qualify as Prosecuting Attorney."

Now, some provision of this kind should be made, for two or more persons having the same number of votes, could not be qualified to perform the duties of the office. He doubted whether the amendment provided in a part of the fourth section would answer the purpose intended, "when the plurality vote of the qualified voters of the county, in which said vacancy shall occur, shall elect a suitable person for the residue of the term thus made vacant."

The reasons for his amendment were in regard to the fifth, sixth, and seventh clauses of the report of the committee, therefore he had made the motion to strike out.

Mr. HOWARD said:

That the gentleman from Anne Arundel and himself might probably agree on minor points, but for the fact, that they differed as to the cardinal principle on which he had started.

In framing a Constitution he thought it altogether unnecessary to introduce all the matters of detail, when we ought to content ourselves with laying down certain general rules or principles for the guidance of the legislature. If we are to go on in this way, it will end in making a book which the people will no more understand than they do the old Constitution itself, and after all, it will be found impossible for us to provide for all contingencies.

To specify that a man who is elected to the

office of prosecuting attorney must be a practitioner of laws is entirely superfluous. It is preposterous to fill the the Constitution with details of this sort. He presumed it was generally understood that the applicant for the office must know something of the business, that he must be a practitioner of law. If we are apprehensive that the people may elect some one who is entirely incompetent to perform the duties of the office, it will be better that we should not give them the right to elect.

In regard to what was said by the gentleman from Queen Anne's, (Mr. Spencer,) he had only to say, that that gentleman may have a better knowledge of some of the counties, and of the condition of things there, than he had.

But he, [Mr. H.] was very certain, that the elections for members of the House of Delegates are much influenced by political considerations, and that they never turn entirely on the internal affairs of the State. More or less, they are always connected with national politics, mixed up with questions concerning public lands, and God knows what, on which candidates try to get themselves elected. The party lines of whig and democrat are distinctly marked.

He thought there was great force in what the gentleman from Baltimore city, (Mr. Sherwood) had said, on the subject of fixing the day for the election of these officers. The people do not like to be drawn away too frequently from their occupations. They cannot spare the time, and they will not thank us for drawing them away from their business oftener than is necessary.

Mr. CHAMBERS said he had intended to sustain the amendment proposed by the gentleman from Baltimore county, [Mr. Howard,] until he had altered it.

The committee, by their report, had presented a scheme which the details so expanded as to form a system which they supposed could go at once into operation. He thought our appropriate duty here, was to enact principles, leaving details and minutiae to the Legislature. The proposition of the gentleman from Baltimore was originally one of that character. It left all the machinery necessary to put his scheme into practical operation, to be hereafter provided by the Legislature. In this he had concurred. But now the gentleman has altered his proposition, by naming a day for the election of these officers before these details can be supplied, that is to say, before the session of the Legislature by which the necessary machinery was to be furnished, to set his system to work. He could, of course, no longer support it.

Mr. DORSEY said:

The gentleman from Baltimore county, (Mr. Howard,) and he differed more widely than that gentleman seemed to imagine. When a judge is to be appointed, the Constitution does and should declare that a lawyer should be chosen. If an Attorney General is to be chosen he ought to be a lawyer, and if a prosecuting attorney is to be chosen, it is important that he too should be a lawyer.

The gentleman from Baltimore county thinks we should leave all the details to the legislature