

which prescribes the qualifications, so far as the section designates them. And when the State of Maryland puts a limitation upon the qualifications of senators from its State, it seems to me the Senate of the United States would look not only to this clause of the Constitution of the United States, but would go behind it, would come to the State and ask if the senator who came from the State was legally elected according to the constitution and laws of the State, as well as the Constitution of the United States. And if he was not chosen according to the constitution and laws of the State, it seems to me that the Senate of the United States would regard that fact. I think that in the spirit of abiding by the law, whether State law or not, they would regard that fact. And, therefore, the adoption of the amendment of the gentleman from Prince George's would operate practically—just as the division of the State heretofore into senatorial districts—to accomplish the very object which he desires to accomplish.

And in the humble view I take of the matter, I do not see that by adopting this proposition we place ourselves in the position of disregarding our oaths to support the Constitution of the United States. There is no word of prohibition in the Constitution of the United States against our taking this action. I know it has been said by the gentleman from Kent (Mr. Chambers) that *expressio unius* is the exclusion of the other. But this is not an expression which excludes the power of the State to act in this respect. Therefore I think it is competent for us to incorporate such a provision as this in our Constitution.

Mr. DANIEL. I desire to say a word or two in reply to the gentleman from Calvert (Mr. Briscoe.) He has read the provision of the Constitution of the United States, concerning the qualifications of senators, and the provision declaring that each house of Congress shall be the judge of the election and qualifications of its own members, as if there could be no doubt about the construction for which he contends. Now, I desire to read a further provision from the Constitution of the United States, as follows:

"The times, places and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law, make or alter such regulations, except as to the place of choosing senators."

That shows exactly what the Legislature may do, and may not do; it can fix the place, time and manner of holding elections, and that is all. And even that may be changed and regulated by Congress, except only as to the mere place of choosing senators. It seems to me, therefore, that there can be no doubt upon that point.

Mr. CHAMBERS. I had intended to say what has been said by the gentleman from

Baltimore city (Mr. Daniel,) quite as well as I could have said it. I will add one remark. The gentleman from Calvert (Mr. Briscoe) supposes that Congress would courteously defer to the law of the State. I have already referred to the case of a member of Congress elected for Baltimore city. The district from which the candidate was to be taken was prescribed by a law of the State, not by a law of Congress. That law of the State prescribed a particular district to Baltimore city. The gentleman residing in the district received the fewer votes; the one residing out of the city received the majority of votes. The law of the State was considered as no sort of impediment in the way of his taking his seat; Congress admitting him to the seat upon the ground that the Legislature of the State had no right to meddle with the matter at all. It is a mistake, therefore, to assume that Congress would regard any legislative provision on our part enlarging the restrictions imposed by the Constitution of the United States.

Mr. CUSHING. The third section of article one of the Constitution of the United States says:

"No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

That, by necessary implication, so direct that it cannot be denied, gives the privilege to every American citizen who comes within the terms of that provision to be eligible to the Senate of the United States. The question then rests upon the simple point, whether the Constitution of Maryland can deprive a citizen of the United States of any of his rights under the Constitution of the United States. Every citizen who shall have been a resident of the State of Maryland for nine years, and who shall be thirty years of age, is by the Constitution of the United States declared to be eligible to the Senate of the United States. Can we, by our Constitution, deprive the citizens and residents of Maryland of one of their rights under the Constitution of the United States? I think, if the gentleman from Prince George's (Mr. Clarke,) intends to maintain that we can do that, we shall present the peculiar anomaly of the framers of a State Constitution undertaking to deprive the people we represent of privileges given to them by the Constitution of the United States. Congress never would pay any attention to it, and it would, I think, place this body in the absurd position of attempting, by its action, to interfere with rights of citizens of the United States.

Mr. CLARKE. I modify my amendment so that it will be as follows: Strike out all after the word "delegate" where it first