

any others, and that this is such a qualification as the Legislature could not impose. [']The times, places, and manner of holding elections for Senators and representatives shall be prescribed in each State by the Legislature thereof[,] &ca. [T]he Legislatures in several of the other States have given the same construction to the Constitution as is given by our Act of Assembly viz. that they had a right to require that the representative should be a resident of the district for which he is chosen. It appears to me to be only modifying the qualification, and in a manner not inconsistent with the Spirit of the Constitution as the door is left open for every person to be elected who has the qualifications prescribed in the Constitution and Mr. Pinkney might have been elected for the fourth district wherein he resided.

"As it is essential to liberty that the Government in general should have a common interest with the people, so it is particularly essential that the representative should have an immediate dependence on, and an intimate Sympathy with the people: dividing the State into as many districts as it is entitled to representatives and electing a person residing in each, seems calculated to secure this dependance and sympathy, and a Representation best acquainted with the interests and circumstances of the electors.

"The Legislature conceived they had the right, and it does not appear to me to be repugnant to the Constitution, I therefore cannot hesitate in giving my opinion that it is our duty to pursue the directions of the Act and not return Mr. Pinkney as a Representative duly elected for a district in which it is admitted he was not a Resident at the time of the Election."

J. E. Howard
[signed]

The Council adjourned 'till tomorrow morning.

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Saturday 6th. November 1790

The Council met.

Present—His Excellency John Eager Howard Esquire

The Hon'ble.

John Kilty

James Brice

William Hindman

Randolph B. Latimer

Esquires

Ordered that the western shore Treasurer pay to Peter Engels Sixty two pounds, ten shillings for six Months Salary as Armourer at Frederick town due this day.

The Hon'ble. John Davidson Esquire attended.

Ordered that the western shore Treasurer pay to Lieut. Colo. Uriah Forrest Sixty seven pounds, ten shillings for six Months half pay due the 1st. instant.

The Council adjourned 'till tomorrow morning.

Sunday 7th. November 1790

The Council met.

Present as on yesterday.

The Council adjourned 'till tomorrow morning.