

the other, but besides some remarks that I mean to hazard on the intention of the last mentioned clause; I shall in imitation of Mr. Pinkney have recourse to authority; and I willingly agree with him that there is none more respectable and conclusive than the admired exposition of the Constitution entitled "the federalist".

"In Vol. 2nd. page 166 Chap. 'concerning the regulation of elections' [No. 59] the federalist has these words:

'It will not be alledged that an election Law could have been framed and inserted into the Constitution which would have been applicable to every probable change in the situation of the Country: and it will therefore not be denied that a discretionary power over elections ought to exist somewhere. It will I presume be as readily conceded that there were only three ways, in which this power could have been reasonably modified and disposed—that it must either have been [p. 239] lodged wholly in the National Legislature or wholly in the State Legislatures, or primarily in the latter, and ultimately in the former—The first mode has with reason been preferred by the Convention—They have submitted the regulation of elections for the federal Government in the first instance to the local administrations; which in ordinary Cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the National Authority a right to interpose whenever extraordinary circumstance might render that interposition necessary to its safety.'

"This language is too explicit to require a comment. It evidently shews that the federalist ascribed a much higher degree of importance to the Authority he had under consideration than Mr. Pinkney supposes to belong to it, when he speaks of a choice between the modes of voting viva voce, and by ballot, with other minute Circumstances attending elections, as the Objects comprehended in the word 'Manner'.

"Has it not occurred to Mr. Pinkney that these minute circumstances can only arise in the election of Representatives, and are entirely out of the question in the choice of Senators, why then is the word 'manner' applied to both in the Constitution if something more was not intended than Mr. Pinkney has supposed.

"Those who maintain the State Regulations to be agreeable to the Constitution are continually challenged to shew that the power of partitioning the States is necessarily implied in the word "Manner." We might on the other hand desire proof that any thing relating to elections was necessarily excluded from the meaning of the word, for it is certainly as comprehensive a term as could have been employed, supplying the utmost latitude to the intentions of the Convention, but I shall again resort to the federalist, and leave it to be judged from the various modes of expression he uses, whether he thought that the power of regulating elections would ever be measured by a narrow Construction of the word 'manner.'

"In the quotation already made the following words occur 'It will not be denied that a discretionary power over elections ought to exist somewhere': again 'they have submitted the regulation of elections for the federal Government &ca.,'

"Page 168 'nothing can be more certain than that an *exclusive* [p. 240] power of regulating elections for the National Government in the hands of the State legislatures would leave the existence of the Union at their mercy'

"Chap. 60. Page 172 'We have seen that an *uncontrollable power over elections for the federal Government* could not, without hazard be committed to the State Legislatures. Let us now see what would be the dangers on the other side; that is, from confiding the ultimate right of regulating it's own elections to the Union itself.'

"I shall not seek any further for a discovery of the federalist[']s sentiments on the extent