

as we have no registration of voters, and therefore cannot base our representation upon voters, we must arrive at it in some other way until such registration is made. There are those who do not vote, females and children. But it really makes very little practical difference whether they are counted or not in making your dividend to ascertain your ratio of representation, because they are about equally diffused throughout the State. It therefore makes very little difference whether you base representation upon the entire governing population, or upon the voting population, the registered voters.

But when, as in this State, you have a large class of non-voters who are no portion of your representative class, and which is not equally diffused throughout the State, then it is a disturbing element of very considerable importance. If the colored population was equally diffused territorially throughout the State, it would really make very little practical difference whether representation was based upon the white population alone, or upon the entire population. But if that class is concentrated in one portion of the State, and you base representation upon the entire population, then it works very great injustice unless you give that class the right of voting. Because if they are included for the purpose of protecting them, of having them, in the language of the gentleman from Prince George's (Mr. Marbury,) send their representatives here, then surely it is their right to say who their representatives and their agents shall be. And I have not understood, from any of the antecedents of this convention hitherto, that it was the purpose of those gentlemen to put them upon any such footing.

And there are very palpable reasons why, if that shall ever be done, it should not be done at this time. They have been an enslaved class all their lives. They are not prepared or qualified to take a part in the government of the country until they shall have advanced very materially in the scale of civilization, and made great social progress. There is therefore manifest propriety in excluding them at this time from the governing class, from the class which is made the basis of representation. Every gentleman at a glance will see the propriety and manifest justice of that.

I have said that, in my humble judgment, neither of the propositions before us does exact justice, is based upon a sound principle. And the principle which I have enunciated, which in my judgment is the only sound one, is impracticable for the reason I have given. And I have also found, in discussions outside of this hall, that it finds no favor on any side.

The same thing holds true in reference to the senate. I see no propriety whatever in mapping out a certain geographical limit and

assigning to it a senator. If you wish checks, then put it upon certain reliable basis. I do not perceive that Prince George's county, or Allegany county, has any right or interest as counties, distinct from the right or interest of the people in those counties. Therefore if you have a representation based upon rights, and so framed as to protect the rights and interests of the people of the counties, then you will have your representation so framed as to protect the rights and interests of the counties.

Mr. MARBURY. Does the gentleman conceive any good reason why Rhode Island should be the equal of New York in the senate of the United States?

Mr. STOCKBRIDGE. That was somewhat a matter of compromise, and it has been retained to protect a sort of idea, fiction, or fact, of State sovereignty. And another reason is that it creates a sort of check, because senators in the Congress of the United States are elected upon an entirely different basis from members of the house of representatives. The representatives are elected upon a popular basis; senators are elected by the legislatures of the several States. Representatives hold office through one Congress; senators hold office through three congresses. An entirely different element enters into the computation there from here. I am not aware that there is in this State any thought of any State sovereignty.

I do not think there is any good reason why the senate, if we are to have such a body, should be upon the same basis as the house of delegates. But now they are elected by the same electors and at the same time as the delegates, holding office for double the time it is true. And the only manner in which they form any check is that the half of that body holds over instead of being changed every two years. I do not think that is check enough. I think if you are to have the two bodies, there should be more distinction between them. Have one based upon the voting population, and the other upon the burden borne by the various portions of the State in support of the government: have senators elected by a different body of electors, or at an entirely different time; and then you will have an understood check. But now eleven of the senators are elected at the same time with all the members of the house of delegates, and precisely the same influences govern their election. They are no check at all, except in this, that as matters have been framed the minority of the popular vote has had the majority of the persons sent to this house, and in that manner you have had a disturbing element which has been a very serious check.

I say, therefore, that brought face to face with this question in the manner in which we are brought to face it, we are compelled to select that principle which seems to us the