

this report, this matter was fully considered. It was admitted and believed that the clause there was really unnecessary, excepting as removing all doubt at all about the meaning and application of the act of assembly, or the Code. I think, myself, that it is superfluous. I think if it were stricken out, it would not at all impair what it already sets forth, in prescribing the day; for that day is certainly fixed by the Legislature unless the Legislature at some subsequent session chooses to alter it. I mean that I think it is only important, if important at all, as declaratory of the time at which the next congressional election shall take place. If it be in any respect an assumption of authority, if it can be construed to be an assumption of authority that is not resident in this body, of course it is a mere nullity. If it interferes at all with the provision of the Constitution of the United States, of course it is a mere nullity. It can do no harm where it stands, and may do some good on the assumption that the Legislature does not mean to change the day it has already fixed. For my own part, if it should be retained, I should like to have the amendment adopted which my colleague (Mr. Cunningham) was about to offer, stating that that should be the day, unless some other day for this congressional election should be prescribed by the General Assembly. But I attach no importance to it at all, and should be quite satisfied to see it stricken out entirely.

Mr. STIRLING. I intend to vote to strike out this portion of the report; and this is my reason for it. As I said before, I admit that this Constitution has no right to fix the day, and the only object in placing it there was to make a declaratory statement of what is the existing law. At the time I looked at it in committee I was not aware of the exact language of the Constitution of the United States. I think it is unnecessary for the reason that I hold it to be clear that if this Convention changes the day of the election of the members of the General Assembly, and fixes it for next fall, the Legislature of this State has already decided that the election of members of Congress shall take place on that day. The moment this Constitution goes into effect, the election of members of Congress necessarily takes place next fall under the existing laws, and there will be one then held beyond all possible doubt.

Mr. DANIEL. The point put so pertinently by the gentleman from Kent (Mr. Chambers) has convinced me that this portion ought to be stricken out. Believing as I do that this power is especially granted to the Legislature, I think this Convention has no right to fix the day; and I believe that is conceded by all. The question then comes to us—Shall we assume a power to meet an inconvenience? Believing that we have no such right, I shall vote to strike out this portion of the section.

The amendment to strike out the last clause of the third section was agreed to.

Mr. ABBOTT moved to amend section 3, by adding:

“The Legislature shall fix the time for electing representatives from this State in the Congress of the United States.”

Mr. THOMAS. I am opposed to that for the reason that the Constitution of the United States prescribes that the Legislature shall do that.

Mr. CHAMBERS. I rise to make the same objection. We have no right to give them any instructions.

Mr. PETER. We may have the power to require them to fix the day, although we have no power to fix it.

Mr. ABBOTT. It will do no harm to put that in, and I think it may do good to instruct the Legislature what we expect them to do.

The amendment was rejected.

Mr. THOMAS moved to strike out “in every second year” and insert “annually,” so as to provide for annual elections.

Mr. BELT. Is that amendment designed to raise the question as to the expediency of annual instead of biennial sessions?

Mr. THOMAS. That is the purpose.

Mr. BELT. Then I shall take pleasure in supporting the amendment.

Mr. STOCKBRIDGE. It does not at all follow, if we have annual sessions, that the elections must be biennial; and that matter is expressly raised in the fifth section which provides that the Legislature shall meet every second year. For my own part, if it is decided that the sessions shall be annual, I shall be in favor of biennial elections. I think the experience of one session will be of some advantage to the persons who have acted during that session; and they will come at the next session better prepared to do the work required of them.

Mr. THOMAS. I think so myself; and I will withdraw the amendment and offer it when the fifth section comes up.

Mr. BELT. I renew the amendment. I am not only in favor of annual sessions of the Legislature, but in favor of the annual election of the members. When mine comes here to represent me, I want him to have my last words. I want to be immediately represented, and not by a Legislature which will sit for two or three years.

Mr. STIRLING. The second section provides that members of the House of Delegates shall serve for two years. This amendment directly contradicts that. I raise the point of order, whether it will not be necessary first to reconsider the second section.

The PRESIDENT. Of course, if this is adopted the House will have to reconsider that section.

Mr. BELT. If the House adopts my amend-