

not leave to him, if he accepts the commission, to say whether he will resign or not.

As to the other little matter, about people coming into the Legislature in order to get into the Senate of the United States, I do not know anything about that, and shall therefore say nothing about it. I shall vote against this amendment.

Mr. MILLER. I would call the attention of the gentleman from Kent (Mr. Chambers) to a provision contained in the first clause of section three, article one, of the Constitution of the United States:

"The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof, for six years."

Is it not competent for this body to prescribe to the Legislature of the State whom they shall choose as senator, and whom they shall not choose as senator?

Mr. CHAMBERS. In reply to that —

Mr. MILLER. The members of Congress, I think, have different qualifications. But as the Legislature of the State are to elect senators, I think that it may be competent for this body, in framing a Constitution and restriction upon the action of the Legislature, to provide that such and such persons shall not be eligible to be elected to the Senate of the United States.

Mr. CHAMBERS. The gentleman asks me a question, and then declines to give me an opportunity to answer it. That is not my way of doing business. I will tell the gentleman that he will find that this very question was debated in the Convention of 1850. And I think that he will find, by examining the debates of that Convention, that I have the honor of being just as consistent upon that question as upon all others. I denied then, as I deny now, the power of the Convention to designate any such qualifications. It was proposed in that Convention, by a member from Prince George's, I believe, to insert in the Constitution a provision requiring that one of the two United States senators to which Maryland is entitled should always be elected from the eastern shore. Now, although no man will contend more tenaciously for the rights of the eastern shore than myself, I felt bound then, as I do now, to conscientiously express my honest opinion that we have no power to restrain the appointment of United States senator by place, time, or circumstance, beyond what the Constitution of the United States has said. So the gentleman will find no reason in that respect for me to qualify the opinion I then expressed.

Mr. CLARKE. I did not propose to enter fully into the argument of this question. But I was just about to quote in reply to the argument of the gentleman from Kent (Mr. Chambers) the provision upon our statute book, and which has been there for years past, requiring that one United States senator shall

be taken from one shore, and one from the other shore. The gentleman says such a restriction is unconstitutional. The Legislature heretofore has not regarded it so. The question has never been raised in this State; but so far as I am informed, I have always supposed that was a constitutional exercise of power on the part of the Legislature. And if this Convention should undertake to assume such a power, I think it would be a constitutional exercise of power on the part of this Convention; therefore I offered this amendment.

My view of the matter is this: I admit that if a person elected senator of the United States in violation of such a constitutional provision as this, should go to Washington, and apply to be admitted to a seat there, the Senate of the United States might well say—"we as senators can go no farther than the Constitution of the United States prescribes in reference to the qualifications of this applicant." Now, we do not undertake to prescribe the qualifications of a senator of the United States, or of a member of Congress. All we do is just what the code now does. The code now says that you shall take one senator from one shore and the other senator from the other shore; and you shall not take both senators from the same shore. So when a person undertakes to serve the State of Maryland, as a senator or delegate, our State Constitution comes in and says you shall not elect him to the Senate of the United States. Why? From motives of State policy. And the obligation we here impose applies to the body that elects. There is no provision in the Constitution of the United States which says you shall send a State senator or State delegate to the Senate or Congress of the United States. If there was, then this provision would be beyond our power. But it being left by the Constitution of the United States optional with the Legislature whom they shall elect, this State Constitution comes in and says to the Legislature, this man shall serve the State, and not Congress. We say to the Legislature, our agent—you shall not elect him to the Senate of the United States. The constitutional question raised by my amendment is just the same as that raised now by our statute in regard to the election of United States senators.

Mr. STIRLING. To show how perfectly nugatory any such provision as this will be, I will refer to a case in which this question has already been decided. It was not a great many years ago that the case arose in the Senate of the United States, in this way: The State Constitution of Indiana or Illinois, contained a provision involving a similar principle; that the State Legislature should not elect a judge of the circuit court to the Senate of the United States. The Legislature did elect a Judge of the Circuit Court to the United States Senate, and the question