

and deliberate upon measures of public policy, representative agents of the people are at once a palpable necessity; and the highest object of the Constitution is to define and limit their powers and duties. The Representative is but the agent of the people; and the Constitution is the warrant of his authority. It is his power of attorney, and he cannot transcend the limit of its authority. Nay, he is required to make solemn oath to support the Constitution and be bound by its restrictions.

The Constitution plainly enumerates and defines the powers of Congress; and by all rules of legal interpretation, that body could assume no power not expressly granted therein. But the people, jealous of the growing anxiety of their agents for more power, and fearing their public servants should aspire to rule as masters, determined, after a short experience, to add the Tenth Amendment to the Constitution, which provides that—

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

The force of this constitutional inhibition is in nowise weakened as regards the Congress, because it applies alike to all the departments of the United States Government. It is the people saying plainly to their public servants in the United States Government, “you have your warrant of authority, whatever powers are not expressly given you in the Constitution, we, the people, reserve to our State Governments and to ourselves.”

Where, therefore, the Federal Constitution, in the second section of the first Article, provides that “No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen,” it has defined all the qualifications which may be exacted by any power or authority, save and except that each House may require, in addition, satisfactory evidence that a member has been legally elected.

The provision of the fifth section of the first Article, “That each House shall be the judge of the elections, returns and qualifications of its own members,” means only this, and can be made to mean nothing more. Nor can the qualification be altered or enlarged indirectly by the requirement of an amplified oath; for the Constitution not only prescribes and defines all the qualifications that may be exacted, but as plainly and definitely declares the oath which shall be required of a Representative in Congress. In the third clause of Article six is provided: “The Senators and Representatives before mentioned, and the members of the several State