

trine of representation according to population. As a theory, it was very beautiful and pretty; yet it had no existence in fact. If it was a correct principle, it must be susceptible of a practical application. To give it a practical application, it must be carried out to its fullest extent. The falling short of carrying out the entire principle, was an abandonment of the principle to that extent, if not altogether. Gentleman had referred to the Constitution of the United States as based upon this theory. He would deny this, and also deny that representation according to population obtained these, and he would prove the truth of his denial. Let them examine the Constitution of the United States, and they would there find an article which gave to Delaware and Rhode Island, and all the smaller States, the same representation in the Senate that the larger States have, to wit, two senators to each State, without any reference to population or even extent of territory. The two senators representing the State sovereignty. This was a principle insisted on when the Convention was formed, and without which the Constitution never could have been adopted. He would go further and say, that he did not believe the government of the United States would or could survive one hour the abandonment of this conservative feature of the Constitution. Here then is an entire absence of any thing like popular representation in the Senate.

How is it as regards the election of President. He is elected by an arbitrary rule, by electors, and not by a majority of the people by direct vote. He may be elected by a minority vote. He may be elected by a minority of the people, but by a majority of the electors. Otherwise why have we heard so much about minority Presidents. The House of Representatives have at least in two instances, the people having failed to make an election, elected a President. The first was the famous case of the contest between Thomas Jefferson and Aaron Burr, in which Jefferson was elected by one vote, the other was the case of the contest between Andrew Jackson and John Quincy Adams, in which the latter was elected. No representation according to population in either case, each State having one vote. Delaware and Rhode Island had as much weight in the election as New York and Pennsylvania. How stands the principle as regards the House of Representatives. There he admitted the principle obtained to some extent. Let us examine it. The Constitution provides that representation shall be apportioned among the States according to population, and taxation by adding to the number of free persons three-fifths of every other description of persons except Indians not taxed, and also providing that each State shall have one representative.

Here he admitted was a partial adoption of the principle upon what is usually called the federal basis. But is it not also perceived that even here there is also an abandonment of the abstract principle as an entirety? Congress has the power to fix the basis of representation in the several States. The number to be fixed

upon as the ratio of representation is altogether arbitrary. There is no two Congressional districts in the United States that have the same numbers in population, and yet they have one representative. Now, to the extent that any inequality of numbers exists in the Congressional districts of any State or of the several States growing out of the arbitrary ratio of representation fixed by Congress, to the same extent is the principle of representation according to population departed from. The ratio of representation being arbitrary, it cannot be contended, with any hope of success, that the representation based upon such arbitrary ratio sustains the abstract principle of representation according to population. It must partake in some degree of the arbitrary basis upon which it is founded. A monarchy is founded upon the principle of the rights of one man to govern. A pure Democracy is founded upon the principle of the right of a majority of the aggregate number to govern. The Government of the United States is neither the one, nor the other. It is a government of checks and balances. It is a government of compromise securing to the whole, and each, and every part, equal rights, equal privileges, and equal protection. It is founded on the principles of well regulated popular rights, State sovereignty, and eternal justice. He thought he had made good his position that the principle of representation according to population did not obtain in the Government of the United States to the extent contended for by the advocates of the principle.

But he would go further, and inquire who are the people? The honorable gentleman from Baltimore, not now in his seat, spoke of human rights. Mr. B. thought that human rights had nothing to do with political rights. If the doctrine of the gentleman from Baltimore was correct, that every human being was possessed of equal political rights, and therefore should have representation according to population, what would be the principle? If the principle was correct, he would say that it went to this extent, and could not fall short of it—that every human being, white or black, of all sorts, sizes and descriptions, would be embraced under the general principle of the gentleman. No man would contend for this.

He had a word for the gentleman from Carroll, but he did not see him present. He wished he was in the Hall, and he hoped some one would ask him to come in.

Mr. Brown at this moment entered, amid much merriment.

Mr. BLAKISTONE expressed himself sorry to interrupt the gentleman from Carroll, in his enjoyment; but he desired to talk of him, and did not like to do it behind his back. The gentleman had been making thrusts at the gentleman from Kent. He, (Mr. B.,) would not fight his battles, because he was incompetent to undertake such a task. But the gentleman from Carroll had run over his, (Mr. B.'s,) track, and he would get him out of the way. He had said that if the gentleman from Kent, was in England, he could talk about the freedom of the people of this country, but would—