

the sovereignty of the entire State of Maryland, precisely as the Governor, elected from districts, represented the entire sovereignty of the State. If the State should not be districted, there would be a majority upon joint ballot in favor of some seven counties and the city of Baltimore. That being the case, that power would undoubtedly be exerted, and thus the city of Baltimore and the upper counties would always elect, while the remaining fourteen counties would never have their interests represented in the Senate of the United States. He considered it the imperative duty of this Convention to provide against a contingency of that sort.

Mr. JENIFER suggested that it would be no credit to a man to be elected from a district, compared with the honor resulting from an election from the whole State. He trusted the gentleman from Prince George's would withdraw the proposition.

Mr. RANDALL remarked, that if the Legislature should violate such a provision in the Constitution of Maryland, the Congress of the United States would still consider the election binding. The case would be analogous to that already cited by the gentleman from Kent. (Mr. Chambers,) in which the election was held to be valid, although against the act of the Legislature.

On motion, the Convention adjourned.

#### SATURDAY, April 5, 1851.

The Convention met at ten o'clock.

Prayer was made by the Rev. Mr. Griffith.

No quorum being present, some proceedings followed, the object of which was to obtain a quorum; after which,

A quorum having been ascertained [to be present,

The proceedings of yesterday were read and approved.

#### COMMITTEE OF REVISION.

The President announced the following gentlemen as composing the committee yesterday ordered to be appointed for the purpose of revising and examining the several articles of the constitution: Messrs. Tuck, Grason, Chambers, of Kent, Randall and Magraw.

Mr. CHAMBERS, of Kent, rose and said, he thought he had expressed a very decided desire yesterday that the Convention should excuse him from service on the committee.

The PRESIDENT. The Chair certainly did not hear the gentleman from Kent (Mr. Chambers) express such a wish. Does the gentleman now desire to be excused?

Mr. CHAMBERS. I would rather be excused—decidedly.

The PRESIDENT stated the question to be on excusing Mr. Chambers from serving on the said committee.

The question was put, and a division called.

There was a manifest indisposition on the part of the Convention to excuse Mr. Chambers—(a fact which Mr. C. perceived from the slim af-

firmative vote which the President was counting)—when

Mr. C. rose and said: I think I will withdraw my motion. I would rather withdraw it than that it should be defeated.

So the motion to excuse Mr. Chambers was withdrawn.

#### THE LEGISLATIVE DEPARTMENT.

On motion of Mr. TUCK, the Convention resumed the consideration of the report heretofore made by Mr. Johnson, chairman of the committee on the Legislative Department.

#### SENATORIAL DISTRICTS.

The question pending yesterday before the Convention being on the amendment offered by Mr. Bowie to the amendment offered by Mr. Brent, of Baltimore city, as an additional section to the report.

Mr. CHAMBERS said, he had given some reflection to this question, and being seriously of opinion that the proposition of the gentleman from Prince George's (Mr. Bowie) was in conflict with the Constitution of the United States, he felt bound to say so to the Convention.

The Constitution of the United States was the creature of the people of the United States, and was the paramount law of the land. Whenever it speaks, its mandate is imperative in each and every State, and is supreme. That Constitution provides for the election of a Senator of the United States. It directs that he shall be chosen by the Legislature of the State; and that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators." It is perfectly clear, then, first, that whatever authority the State has in the premises, may also be exercised by Congress, except only as to the place of choosing Senators; and, secondly, that there is the same power, precisely, reserved to the States to legislate in regard to members of Congress as to Senators.

The case he had referred to yesterday he considered as plainly parallel to the case under consideration. Maryland had been divided by the Legislature into eight districts, of which Baltimore city and county were to be the fifth, and entitled to send two representatives, of whom one should be an inhabitant of the county, the other of the city.

An act of Assembly of Maryland, in terms, required that a member of Congress should be an inhabitant of his district at the time of the election, and for twelve months preceding. Mr. Moore, Mr. McCreery and Commodore Barney were candidates, and of these the first was by concession an inhabitant of the county and the last an inhabitant of the city, within the terms of the acts of Assembly. Mr. Moore received the largest number of votes, and no contest was made as to his right to a seat. Mr. McCreery having received a larger number of votes than Commodore Barney, was returned as elected.