

classification of the Senators, the constitution, in the same article and section, continues:

"No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

Here were three qualifications. The Senator must be thirty years of age, nine years a citizen of the United States, and must be an inhabitant of the State. If a Senator should be elected who should be under thirty years of age, who should not have been a citizen of the United States for nine years, or who should not be an inhabitant of the State, whatever provision there might be in the constitution of Maryland, the election would be null and void, because it would conflict with the Constitution of the United States.

Now, if a provision should be engrafted in the Constitution of Maryland that a lawyer or any other profession should not be elected a Senator of the United States, a provision which might be incorporated, and if the Legislature should then proceed to elect a lawyer, what would be the result? Would the United States Senate respect the constitution of Maryland in conflict with its own? Or suppose that the provision should declare that Senators should be elected alternately from the Eastern and Western Shore, and the Legislature should disregard the provision, would not Congress look alone to the qualifications imposed in the Constitution of the United States? It seemed to him that there would be no remedy upon the part of the State. You cannot add additional qualifications to those presented by the Constitution of the United States.

But, Mr. J. continued, it was bad enough to district the State, from one of which districts you were compelled to select a Governor—that we had a right to do, because there is no superior power to control. But to district the State into four divisions, from one of which the Legislature shall be compelled to select a United States Senator, where, in fact, there might not be a man qualified to fill the station, is a proposition which he did not suppose any intelligent man, and especially his friend from Prince George's, could entertain. The United States Senator is the representative of the whole State and not of a section, and we should have the best men in the State, no matter in what part they may reside. Since the formation of our government, we have always elected one Senator from the Western and one from the Eastern Shore of Maryland, because there were always well qualified men to be found on either shore. Mr. J. hoped this practice would continue for all time to come. Their Senators had done credit to themselves and to the shores from which they were elected, but should the time ever come, which he trusted and believed never would, that on either shore a man could not be found to serve who was not qualified, he hoped that those sectional distractions would settle to the paramount interest of the State and the country. Mr. J. repeated that he was gratified

that similar opinions were entertained by the learned gentleman from Kent, (Chambers,) who had been a Senator of the United States, and also by other gentlemen from both the Western and Eastern Shore of Maryland.

Mr. HOWARD said that since this question had come up on yesterday he had given it considerable reflection. His first impression had been to coincide with the gentleman from Prince George's who offered the resolution, upon the general doctrine of State rights; that the State had a right to form a Constitution, and that the Legislature was bound to observe it. Subsequent reflection had satisfied him that such a provision would be entirely nugatory, and had induced him to coincide in opinion with the two gentlemen who had just spoken. By way of illustration, he would suppose that the provision should be adopted, and that the Legislature should elect regardless of the injunction. The credentials of the Senator thus elected would be presented to the Senate of the United States, and how would that Senate have a right to decide? The right to decide was found in the provision of the Constitution found in the 5th section:

"Each House shall be the judge of the elections, returns and qualifications of its own members."

The question would then arise whether the fact, that the person elected resided in a particular district, should be considered as a disqualification. He believed that the Senate would decide that it was not; and that they had a right to insist that no barrier should be interposed other than the disqualifications expressly named in the Constitution. The Constitution further provides:

"The time, 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 places of choosing Senators."

Now, would the Legislature have the right to do that which it was proposed to do? Could the portion of the State from which a Senator should be elected, be considered as connected with the manner of holding the election? The Legislature would have the right to say that the Senator should be elected by the concurrent vote of both branches, or by the branches separately. But this provision had no reference either to the time, place or manner of holding the election. And if the Legislature had not the right to impose such disqualification, the Convention could not do it. In the case supposed, of an individual elected by the Legislature in violation of such a provision in the Constitution, the Senate would say that there was no other disqualification than that imposed by the State Constitution, and that such a disqualification should not be regarded as an impediment to the admission of the member elected. He therefore concurred in the views expressed by the two gentlemen who had preceded him.

Mr. BRENT said that it was with a good deal of diffidence that he had differed from the gentlemen who spoken upon this question; but it