

Again: "It is certainly true, that the State Legislatures, by forbearing the appointment of Senators, may destroy the National Government. But it will not follow, that because they have the power to do this in one instance, they ought to have it in every other." He here concedes the power of the States to a greater extent than I have been suggesting it might exist under the Constitution of the United States. I humbly submit, whether the authority of the gentleman from Anne Arundel, (Mr. Randall,) does not exclude the conclusion at which he wished to arrive.

But if we will go on and examine, we shall find what has been the practice under the provisions of the Constitution. I am not expressing any opinion against the array of legal and constitutional knowledge of the distinguished gentlemen who have spoken on the other side. But, sir, we will go on and see what has been the practice under this provision of the Constitution of the United States, bearing in mind that it is identical with the language when speaking of the representative branch of the Government—as the Senate—*totidem verbis*—except as to the place of choosing Senators and the addition as to the age of five years, and two years additional citizenship more than is required for a Representative.

What, sir, has been the practice in Maryland? and not only in Maryland, but in every State of the Union? For the purpose of convenience—for the purpose of having the different interests in the State represented in the national councils, districts have been erected in this State, and members of Congress have been elected from the different localities—for what purpose? Why, to give a representation in the Congress of the United States of the wishes, views and feelings of the people in a particular locality. Well, no one has contended that under this provision of the Constitution they had not the power to do it. And some of the States have gone further in the exercise of the power given under the Constitution, and said that Congress had no right to establish this district system—to district a State for members of Congress, and some of the States had gone so far as to make ———

MR. HOWARD. Now let me call the attention of the gentleman to a nice turn of this question. I will ask leave to recall a fact to his memory. Congress did not exercise that reserved right; if they had, there would have been no dispute about the matter. Those three States never contested the right of Congress to district a State. But the complaint was, that Congress had ordered a State to do it. They all agreed that if a State had been parceled out into districts, under the power granted in the Constitution of the United States, no one could say aught against it. But the objection was, that Congress had *directed* the States to divide themselves into districts. Three States who elected by general ticket refused to change this mode, and continued to send members to the House of Representatives elected by general ticket; and when the question was presented there, it was

passed over in silence, and was given up on the other side. The point upon which this acquiescence rested was, that Congress was not to direct a State to do that which it could do of itself. That, I think, was the exact point.

MR. BLAKISTONE. They meant very much the same thing so far as the purposes of my argument are concerned. I was going on to show what had been the practice of the different States under the provisions of the Constitution, which gives to each State the power of fixing the time, the place and the manner of electing Senators and Representatives. From the earliest commencement of the Government until within a few years since, Congress never exercised the power on the subject. Some of the States had elected by general ticket—the whole State voting for the number of members to represent it. In other portions of the country the district system had been established; and we preferred that system in Maryland. This is the first time I have ever heard—indeed I never heard it contended that the several States of this Union had not the power to lay off districts with a view to the public convenience and with a view to give a fair representation in Congress. Now, suppose a case. Suppose that when you, Mr. President, were our candidate from the first Congressional district, and suppose your competitor, one of my most distinguished constituents, had been voted for by the people living without the district, and by consequence of which he had received a very large majority over and above the choice of the district, would any body undertake to tell me he would have been the representative in Congress from that district, and Congress would have recognized his right? Why not? The constitutional provision says that he must have attained the age of twenty-five years—that he must have been a citizen of the United States for seven years, and be an inhabitant of the State at the time of his election, of which he proposes to be the representative in Congress. He most surely possessed all these qualifications, but we interposed legislative provision in Maryland, requiring the districting of the State, and say also that within that particular district the qualified voters shall select some one to represent them in the Congress of the United States. I never heard it intimated—I never heard it breathed that a man was not constitutionally elected because we had elected him in a district. Then, I say, apply the principle with regard to the Senate, and why have we not the power?

I am opposed to the districting principle in regard to this matter, as proposed by the gentleman from Prince George's, (Mr. Bowie,) to divide the State into six districts. But, I say, apply the principle—why have we not the power so to district the State for Senators in the Congress of the United States, so as to say that one shall be taken from Baltimore, if you choose, with a view to represent the commercial interests of Maryland; and the other from the agricultural portion of the State, with a view to represent that interest. Have we any power? Why not? I cannot, for my life, perceive by the language of the Constitu-