for such State to find a way to get out of the Union without conflict of any character. It would only be necessary for a State desiring to secede to require a President to reside fifty years within its boundaries. For if he had resided in such State fifty years, and had the other qualifications required by the Federal Constitution, he would be qualified as to residence under the Constitution of the Union, which had fixed his residence at fourteen years only. But then the superadded qualification in a State Constitution, although not in direct conflict with the Constitution of the United States, would be of such a character as to make it morally impossible to elect a Chief Magistrate, whom the refractory State would be under any obligation to obey.

He did not think it necessary to go further to show that the power contended for, would make the Federal Government dependent altogether upon the States acting separately, and thus nullify all the designs of its framers.

The Constitution said a party should be eligible to the Senate of the United States if he had attained the age of thirty years, and was an inhabitant of the State from which he was chosen. The gentleman contended that they could require him to reside in a particular section of the State. If they could thus superadd to the Constitution, could they not require a person to be eligible to the office of President to reside in some particular State? If the State governments were thus to be framed, in conflict with these requirements of the Constitution, they could make the General Government, in a great degree, dependent upon the action of the State Legislatures.

But gentlemen who mantain the other side of this argument, insist that by the tenth article of the amendments to the Constitution (which provided 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,") it was very clear that the power in the States was reserved. What was meant by "respectively" in this reservation of powers? Was this power of qualification of the members of the Senate intended? Was the qualification of the members of the House of Representatives intended? Was the qualification affixed to the office of President intended? They were all powers necessary for the operations of the General Government in its aggregate, confederated capacity. This language used showed, he thought, that those who were the framers of the General Government had reference to the States as separate respective communities, not upon their relation to the General Government at all. The case put by the gentleman from Baltimore county was one so clear in point, that he thought some gentleman, who was familiar with it, ought to explain it to the convention, that it might be seen that it had direct reference to the case now in view.

It would be observed, that in speaking of the qualifications of members of the House of Representatives, the Constitution, in this respect, was almost in the very same language as that part of it in reference to the qualifications of Senators. The phraseology was precisely the same. Now, in the case from Baltimore county what were the facts? The Legislature of Maryland, in dividing the State into districts for the election of members of Congress, consolidated the county and the city of Baltimore into one district, and gave them the power to elect two representatives. Well, this was constitutional. But they went further. They said that the individual who was a candidate in the county, receiving a majority of the votes in the county, should be one Representative to Congress, no matter if he should receive a less vote than the candidates in the city, and that one residing in the city should be a representative, although he received a less vote than the candidates in the county—thus requiring, in fact, that one should reside in the city of Baltimore and one in the county. This question we are now discussing was virtually settled by Congress in that case of contested election, that grew out of this law of Maryland. It was decided that the Legislature could not prescribe restraints as to residence other than those prescribed by the Constitution of the United States.

The law of 1809 had never come before the Senate of the United States for determination. There was no construction for that law to be found in the history of the Government, for the very obvious reason that there never had been an instance in which the Legislature had departed or attempted to depart, from that law. If two gentlemen should claim a seat in the United States Senate, one from the Eastern Shore and one from the Western Shore, then and not until then the constitutionality of this law would be decided. Until then it would remain as a law of the State of Maryland.

Mr CHAMBERS said there was scarcely a question connected with the history of the government that had been discussed with more ability than this very question, on the occasion of the contested election of McCreery and Barney. There were very able advocates on both sides. Mr. Randolph, of Virginia, had advocated, as was to be expected, the rights of the States, and was aided by others. The strength of their argument consisted in the opinion that the States might be trusted with authority to exercise a sound discretion in imposing additional qualifications to entitle persons to become members of the national legislature. I cannot but believe, said Mr. C., that any man of legal education or of sound discriminating intelligence, unbiased by any pre-existing prejudice, who will carefully read that debate, will be led by the arguments there urged, to the conclusion it has forced on my mind. He here read sundry extracts from the report of the debate in the volume of "Contested Elections."

"Mr. Sturgess, a member of the committee, said, when the framers of the constitution undertook deliberately to enumerate the qualifications, it was presumable they meant that no others should be necessary. It was not by any means a necessary, but, as Mr. S conceived, a forced implication, that, because the States were not prohibited in express terms, they did possess the