

rights, whether he was not by this proposition making a fatal stab at what he was most desirous to protect? If you assume that the Convention has the power, or can vest in the Legislature the power, to lay out the State into Congressional districts, as is proposed—

Mr. BOWIE made a remark or suggestion, not heard by the Reporter.

Mr. RANDALL. Exactly; but if the States can do it, Congress could do it, or they could change the action of the States on the subject. There would be great danger in this. Suppose in any future Congress a decided majority should be elected in each House from the free States, there might be danger to our State in the exercise of this power. They might so change the districts into which the State had been divided, or they might make such division, if not before made, as would require the next Senators to be elected from that section of the State most opposed to slavery or in favor of emancipation. Again, they might defeat the election of some favorite of the State, by requiring the Senator to be elected to be taken from a district of the State in which the favored candidate of the State did not reside.

Instances need not be multiplied. This power in the hands of Congress might be wielded to the great detriment of the States in this and many other modes.

You would thereby enable Congress to control to a certain extent the election of Senators, and thus this branch of the National Legislature, where the States in their sovereignty are represented—where especially we look for protection against majorities in Congress—might be injuriously operated on by these very majorities—the States and the rights of the States disregarded, or it may be, sacrificed.

Mr. BOWIE was surprised at the question of the gentleman from Anne Arundel, (Mr. Randall.) He asked him [Mr. B.] whether he was willing that Congress should have the power to district a State in reference to the elections to the House of Representatives? He [Mr. B.] said, if they had it in one branch, they had it in the other; because, although the States might make any rules and regulations respecting the time, place, and manner of holding elections, yet Congress was authorized to alter them at pleasure, except only as to the place of choosing a Senator. To show, therefore, that under the Constitution, the power was granted to Congress to make uniform laws on this subject, he would refer again to the language of the Constitution of the United States:

“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.”

Now, that was clear, broad and comprehensive, so that he who ran might read. Was there any thing wrong, then, in his argument that Congress possessed the power to alter and change any rule or regulation which the States might make in relation to the time and manner of choosing Senators? He thought not. The Constitution had declared that regulations respecting the manner

of choosing Senators shall be prescribed in each State by the Legislature thereof, but Congress may, at any time, by law, alter such regulations. That is, such regulations as to time and manner, as well in regard to Senators as to members of the House of Representatives. If the power existed in relation to the one, it must necessarily exist as to the other. And, he would ask, did his friend suppose that he would deny to Congress the power, because the same power was also clearly granted to the States? He [Mr. Bowie] would not go so far as that, although it might, to some extent, strike down the power of the States over the same subject. The power was lodged in Congress concurrently with the Legislatures of the States. Whenever they chose to exercise that power, they could do so, subject to the supervisory power of Congress, precisely as a State has a right to pass an insolvent law or a bankrupt law, in the absence of a uniform bankruptcy act by Congress—precisely as Judge Story says they had a right, under the old Constitution, to pass naturalization laws, in the absence of that power not being exercised by Congress. Under the old articles of Confederation, such laws were concurred in until they were otherwise provided for by Congress. This was a power derived solely from implication—a power derived only from the inherent and reserved rights of the States. But here it was expressly delegated to Congress, and also expressly delegated to the States in the absence of legislation by Congress. Each State shall prescribe by legislative enactment such rules and regulations as to the times, places, and manner of holding elections, with the reservation, however, to Congress to alter them in cases where they have been made by the States, or to make them, in cases where they have not been made by the States.

Congress had undoubtedly jurisdiction over the subject. The grant was there—the power was there, in black and white, too plain for any man to controvert or deny. As to the consequences, his friend from Anne Arundel (Mr. Randall,) in his imagination, might carry them out to any extent. It was true, that if the abolition party should gain the ascendancy—if the doctrine of free soilism should succeed in Congress, and there should be a clear majority in that Congress in favor of such doctrines—they might, he admitted, so district a State as to suit their party purposes. That was one of the great dangers that we were subject to. But that was an extreme case, and was not the question they were discussing; it was not properly before them. The States had been laid off into congressional districts by the States themselves under an act of Congress, and the question was, what was the legal effect of such legislation? What was the main purpose of it? It was to prevent the majority from governing and controlling every thing. It was for the protection of minorities in different portions of the State. Would gentlemen, in the very face of the Constitution, nullify and utterly destroy the whole object and design of districting a State? How then was he to be charged with cutting down State rights, by acknowledging the right of