

might be convinced of the power of this Convention to pass a proposition of such a character. But he had not yet obtained the consent of his own judgment that they had got the right to do as was proposed, and it grew principally out of a part of the Constitution of the United States, which had not been noticed by any gentleman who had discussed this matter. In looking at the third section of the third article, it says:

"No man 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 was a power given to the United States, granted by the people of the States in their sovereign capacities.

Mr. BOWIE. The Constitution of the United States prescribed certain requisites for a Senator.

Mr. STEWART. Exactly; that the States had agreed among themselves when they ratified this constitution, that these requisites should be necessary to qualify a United States Senator. Well, what follows? In the fourth section of the same article were these words:

"The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof."

There, the States for themselves, by the Constitution of the United States, invested the Legislature with a discretionary power. They had said it should be in the discretion of the Legislature, under certain restrictions, (which he had read in the third article of the third section,) to fix the times, places and manner of holding elections for Senators. Now, it was a principle of law, which had never been denied, that when ever any body, or State, exercised a power within their discretion, then there was no power that could undo what they had done. Now, what was the discretion left to the Legislature? Why, that they should send a Senator to the United States Senate. Under what limitation? Under the limitation of the third article of the third section. Now, suppose a Senator had heretofore been sent to the United States Senate from the Western Shore, when there was one already there from the same quarter. He presented his credentials. Then let a gentleman present himself, appointed by the Governor of the State, upon the grounds that the Legislature had not acted according to law, in taking both Senators from the same shore, and contest the seat of the one appointed by the Legislature. And upon what ground? Because the Legislature had acted contrary to the laws or constitution of the State, and that, consequently, the selection made by them was null and void, and it was to fill a vacancy. Well, he came there, and presented his credentials as having been appointed by the Governor, and contested the seat with the other. After this article was adopted, what would the United States Senate do? Where would they look for the test? Why, they would refer to the Constitution of the United States, and examine whether the person asking admission to the Senate as having been appointed by the Legislature, has complied with its requirements,

and not with those of the State of Maryland. There was the difficulty with him. And what would they say? Was he thirty years of age? Had he been in the United States nine years? Had he been appointed by the Legislature, in accordance with the requirements of the Constitution of the United States? Yes; and what qualification did he need, which was required by the Constitution of the United States? Why, would say his opponent, he must come from the Eastern Shore. What answer would the United States Senate give? They would say, if the Convention of the State had a right to divide it into two districts, they had a right to go as far as they pleased. They might say that they should go alternately, or come from one district; or they could say the Senator should come from a certain house, if you once grant this principle, as the gentleman from Somerset (Mr. J. U. Dennis) had said. And, then, when the question had come up in this way by one gentleman contesting the seat of another, he did not think the Senate would hesitate to grant the gentleman his seat who had complied with the Constitution of the United States, and been appointed by the Legislature in the exercise of the power given them by the Constitution of the United States. Now, why did he say so? He would refer gentlemen to the fifth section of the first article of the Constitution of the United States. It says: "Each House shall be the judge of the elections, returns and qualifications of its own members."

Now, if they are to judge of the qualifications of their own members, how were they to judge? They must judge by the Constitution of the United States; for they were not authorized to judge of the qualifications according to the constitution of a State. Now, the gentleman said, if we districted the State, and the Legislature should select one from the Eastern Shore and another from the Western, why it was in accordance with the Constitution of the United States. That was all very true; because he had complied with all the requirements of the Constitution of the United States, and there was no conflict. But suppose that the Legislature should select both from one shore in accordance with the Constitution of the United States, but not in the manner prescribed by the constitution of the State.

In his opinion, they could not constitutionally pass such an article as the one now proposed. It would be merely a recommendation to the Legislature, which they could follow or no. Now, there was another objection he had to it, although he would look over much to vote for it. He had all those feelings which the gentleman from Kent had so beautifully and eloquently ascribed to himself, and also those sentiments which fell from the gentleman from Dorchester, (Mr. Hicks.) He was sure he had that organ of the brain which indicated love of home, largely developed.

If there was any man who had a strong attachment and love of his name, it was their humble speaker. But, at the same time, it did not contain all the feelings of his heart. Those feelings were not bound by the mere boundaries