

of counties. They were not restrained and confined exclusively there because he happened to be born or lived in a certain portion of the world. Why, this whole earth was the habitation of man, and his feelings should encompass, in his benevolence, every portion of the human race, because he was in brotherhood with every part of creation.

He would say, then, that although he might have these preferences, it seemed to him that it was useless to adopt such an article as the one proposed. It was putting another qualification not required by the Constitution of the United States, which he thought they had no right to do. He had thought of the objection of the gentleman from Kent, when he (Mr. S.) had drawn up his amendment, and he would call his attention to it, to see if it would suit his notions. There was another objection he entertained to the amendment of the gentleman from Prince George's, and that was, it was too lengthy, and not precise enough. He showed, for instance, that they should elect alternately from each shore. Now, if two vacancies were to occur on one shore, before any occurred on the other, then they might select both Senators from one shore. His proposition read thus: "The State shall be divided into two United States Senatorial districts, the Eastern Shore shall compose the first district, and the Western Shore the second, and it shall be the duty of the General Assembly in prescribing the manner of holding elections for United States Senators, and in execution thereof, to elect alternately."

Mr. BOWIE. That would be alternately.

Mr. STEWART. Certainly it would. Mr. S. proceeded with the reading thus: "From time to time, a United States Senator from each of said shores, as vacancies in the office of United States Senator may respectively occur, and if the appointment of a United States Senator shall devolve upon the Executive in the recess of the General Assembly, the same rule and mode of appointment shall be observed by him in all appointments of United States Senator so made."

Well, suppose they were selected alternately from each shore, and before a vacancy occurred on the Western, two should happen on the Eastern Shore, if they should select alternately from each shore, must not the vacancy be filled from the other shore? thus would both be from the same shore.

Mr. CHAMBERS would very cheerfully surrender his amendment to the gentleman's supervision.

Mr. STEWART. Well, he had not read the whole of it.

"It is hereby recommended to the Legislature so to make their selections of United States Senators, as ^{one} there shall always be one from the Western ^{and} one from the Eastern Shore; it is also recommended to the Governor in his appointments ^{to} fill vacancies in the U. States Senate, to select the appointee from the shore where the vacancy may occur."

Now, he was very willing to vote for that, and the reason he could not vote for the other, was, that his vote might be construed as an expression of his opinion in favor of the gentleman's construction of the Constitution of the U. States.

Mr. BOWIE said, that according to the fourth section the Senate was made the judges of the election and qualification of its members; but did not his friend from Caroline (Mr. Stewart) see that if the State had, in the exercise of her reserved rights, the power to district, that then the Senate of the United States would be bound to conform to the rights of the States, whether they were reserved rights or rights proceeding from constitutional grants? Did the gentleman suppose the Senate would disregard the constitutional or reserved rights of the States? The question at last comes back to the original proposition, whether a State has a right to pass such a law? whether it was a law contrary to the Constitution of the United States, and in the fair exercise of the reserved rights of the States? If so, then the Senate, who were made the judges of the returns and qualifications of Senators, were not to sit in hostile judgment upon the rights of the States. They, like all other judges, were to judge according to the law of the case, and if the right existed, they would so decide. If the States had the right, then the Senate would be bound to acquiesce in the exercise of it.

Mr. STEWART said, if the gentleman will answer this question, I shall be obliged. Suppose an article should be adopted in the Constitution of Massachusetts, prohibiting the election of any one as United States Senator who was not an abolitionist? And then suppose that the Legislature of that State should select a man, not an abolitionist, but having all the requisites prescribed by the Constitution of the United States—I ask the gentleman if he would not be permitted by the Senate of the United States to take his seat?

Mr. BOWIE said, he would take it for granted that all who went for abolition would vote for the abolitionists, and all who were opposed to them would vote against them. Those extreme cases proved nothing. Now, gentlemen had said they would go for the measure if their own consciences would permit them. Why, he recollected reading some distinguished author on the philosophy of the human mind, who had said that conscience was seated in the head, and not in the heart, for he had never known the head to be right, that the conscience did not follow it. So he suspected it was with gentlemen: if their heads were but right, he opined their consciences would not disturb them.

Mr. CHAMBERS had said nothing about conscience. He withdrew his amendment.

Mr. STEWART, of Caroline, then moved to amend said amendment offered by Mr. Bowie, by striking out the same, and inserting in lieu of it the following:

"It is hereby recommended to the Legislature so to make their selections of United States Senators, as that there shall always be one from the Western and one from the Eastern Shore; it is also recommended to the Governor in his appointments to fill vacancies in the United States Senate, to select the appointee from the Shore where the vacancy may occur."

Mr. BROWN moved the previous question;

And not being seconded,

Mr. BOWIE moved for a division of the question upon striking out.