

why put it in here? I have no responsibility about this matter, but as a member of this body; but I am unwilling to see placed in here anything which would rather indicate a want of information on our part as to our power. My opinion is that it ought to be omitted.

Mr. ABBOTT moved to amend by striking out all after "thereafter," and inserting:

"The Legislature shall fix the time for electing representatives from this State in the Congress of the United States."

Mr. MILLER. I am in favor of that; but would rather not have it put in at all. There is no necessity for it; for the Legislature derives its power from the Constitution of the United States, and not from this body. There can be no doubt about that. This article declares that the first election of senators and delegates shall take place on the Tuesday succeeding the first Monday in November next. I ask gentlemen under what authority that election takes place? Is it not plain that that election is held solely by virtue of this Constitution, and not by virtue of any existing law of the State? If it is, the election that is then held is held under this Constitution, and not under any law of the State. If upon that same day, representatives to Congress should be elected, they are elected at an election held under the new Constitution of the State, and not by virtue of any existing statute law of the State. The Constitution of the United States is too plain to quibble about. It provides that the Legislature, and the Legislature alone, shall fix the time when congressmen shall be elected. And this election in November next must be by virtue of this Constitution, and not by virtue of any existing law of the State.

The PRESIDENT. Does the gentleman from Prince George's (Mr. Clarke) accept the amendment?

Mr. CLARKE. No, sir.

The amendment of Mr. ABBOTT was ruled out of order.

Mr. CLARKE. In the hurry of the moment, when gentlemen referred to clause 1st of section 2, of article I of the Constitution of the United States, that members of the House of Representatives should be chosen every second year by the people, I did not remark the dates. But I still say that under this provision there will not be an election every second year at all. Last fall it was November 1st, and so soon as you commence another year, you have another election. That makes the election the succeeding year, and not every second year. The law does not regard fractions of a year. You must go entirely through 1864, and come to 1865 the second year, to comply with this provision. I hold that this clause of the Constitution is equally prohibitory to the election taking place on that day. I state this to save the gentleman the trouble of replying.

Mr. STROCKBARDEN. I did not intend to reply to that. I understood the gentleman to concede that the Legislature had the right to appoint the time of election. I stated the fact that the entire year would have elapsed; and that we should have entered upon the second year; and therefore his construction did not apply. He certainly said it would be competent next January, for another year would have passed. I say that upon that principle, more than a year will have elapsed on the eighth of November, and it will then be equally competent.

But that is not the point upon which I rose to offer a single remark. If we retain this article as it now stands, down to the 5th line, where representatives in Congress are first spoken of; the time for the election of senators and delegates will be fixed. Now, the law of the State provides, in the 76th section of the 35th article of the Code, that members of the House of Representatives shall be elected the same day with the members of the General Assembly. If then we strike out this last clause as proposed, and if we elect members of the General Assembly on that day, do we not elect members of Congress on the same day? We either do or do not. If we do not, when do we elect them? A year from then? But that is not the day fixed by the Constitution of our State for electing members of the General Assembly. Consequently, under the law of our State as it stands, unless it should be modified in the mean time, we could not elect members of Congress at that time. What then? Congress meets in the December following. Is this State to be represented? Some one suggests that there may be a special election. But the circumstances under which the Governor is authorized to call for a special election, are that the President of the United States shall have called a special meeting of Congress, in which event, and not otherwise, the Governor shall, by proclamation, direct such election. Then we must be unrepresented during the entire long session of the next Congress. I look upon this—having had no conference with the committee by which it was reported—simply as a provision to prevent our State from being unrepresented in the long session of the coming Congress, one of the most important sessions probably in our whole country's history. Unless we do make some provision by which it shall be clear that persons shall be elected to represent this State, it appears to me that we may find ourselves in a very awkward predicament. If it be the construction put upon this, that by the law of the State, fixed as it is by the Legislature, members of Congress will be elected next fall, then it is correct; but if it be not so, I think that clause should be retained by all means, as the only way to provide for representation in the next Congress.