

but as a paper apparently written by Mr Pinkney has been submitted to the perusal of the members, and as it contains the substance of all the reasoning I have heard on that side, I shall content myself with an answer to such parts of his argument as contradict the opinion I maintain.

After stating the 2^d Section of the 1st Article of the federal Constitution, which prescribes the qualification of Representatives, and the 4th Section of the same Article which gives the regulation of elections to the States in the first instance, Mr Pinkney observes as follows - "These are the only clauses of the Constitution material to the Subject; and their construction will decide whether our Legislature have any authority to superintend the qualification of District Residence; and of consequence whether that part of the Act of Assembly which requires it is not merely void."

Here I mean to draw the question into a narrower compass - Mr Pinkney charges the Assembly with having by their regulations superadded an article of qualification to those already required by the Constitution - I deny that the Legislature has done so; and upon this single point I rest the matter.

I pass over the ingenious reasoning employed by Mr Pinkney to prove that the prohibitory language of the Constitution on the subject of qualification implies a permission in favor of all persons not expressly excluded, to represent their States in the general Government, because whether his principle be well founded or not, I am willing to concede in the present case, that all persons not excluded by the express terms of the Constitution are eligible as Representatives and must remain so, until it is altered.

I shall now quote Mr Pinkney's language for the purpose of adopting it - "Who may or may not be chosen (says Mr P.) is one thing - they may be chosen by the people, another - who are qualified to be elected is another consideration - The manner in which an election shall be held for persons qualified, a different one."

"The language of the General Government is obviously this - 'The people qualified to vote for State Delegates, shall elect Representatives as the Constitution prescribes; but as to manner in which the choice of Representatives shall be made by qualified voters, that is left to the State Legislatures' -"