the Senate of the United States would disregard the constitutional rights of the States, and before the gentleman could plant himself upon such supposed action of the Senate, he should first have shown by a legitimate process of reasoning, that the provision in the State Constitution was in conflict with the Constitution of the United States.

Mr. Thomas said that he had not intended to say a word further, but for a question which was asked by the gentleman from Prince George's, (Mr. Bowie.) He had asked whether a member of Congress could be elected who should reside within the boundaries of Maryland and out of the district in which he was chosen. The Congress of the United States had no more power to superadd qualifications to the members of that body than this Convention itself. The Constitution of the U. States was the supreme law of the land, and any act of Congress incompatible or inconsistent with with it in the slightest degree, would be a nullity. Residence was a technical word. A person might be an inhabitant of any part of Maryland if he was there for five hours previous to the election. Philip Barton Key himself resided in the county of Montgomery, though elected from Prince George's, Anne Arundel and others, to the House of Representatives. The fact that he was permitted to argue this question, showed that his seat was not vacated on that ground.

Mr. Randall (in his seat.) It was contested and decided in his favor.

Mr. Thomas said that he was not aware of that. He would now state a parallel case. In providing, in the Constitution of Maryland, for the qualifications of members of the House of Delegates, the residence of twelve months in the State and six months in the county was required. Could the Legislature superadd to these qualifications? Could the Legislature require a residence of twelve months in the county, or add any other provision? So with a member elected to the House of Representatives That body must judge of his qualifications, and their rule would be the Constitution of the United States. The Senate of the United States, in deciding upon the eligibility of a member, never would look to the Constitution of Maryland, or the law of 1809, to determine that question. The Constitution of the United States was supposed to be a perfect instrument in this respect, requiring no aid from the Legislatures of the States. He had no doubt that a member might be elected from any part of Maryland by any district in Maryland, and that Congress would so determine, looking to the Constitution of the United States for the qualifications required, and not to the action of Congress, nor to the proceedings of the State Legislature.

Mr. Bowie said that he supposed such an answer would be given to make the gentleman's argument consistent. But he could not see any reason for requiring the States to lay off congressional districts, if residents in any one district could be elected from any other. The only design of the district system was to prevent a general ticket system, and to allow minorities to be represented all over the country. The States were laid off into districts in order that minorities might be represented, and that all the diverse interests of each State might be protected in Congress. This whole system, with all its benefits, would be entirely prostrated by the construction of the gentleman from Frederick. In the case mentioned by the gentleman from Frederick, of qualifications as to residence for elections to the House of Delegates, he would admit that the term being prescribed at six months by the Constitution, could not be changed to twelve by the Legislature; but he would ask if the Legislature would not have the right to district the counties, and to say that the persons elected shall come from particular portions of them. The great error into which gentlemen had fallen was in assuming the very thing to be proved—that the superadded qualification would be, as such, in conflict with the Constitution. If there was no inconsistency between the superadded qualification and those previously existing, he could see no conflict whatever; and he should maintain the State's rights doctrine upon this point.

Mr. Thomas adverted to the Constitution of Maryland, which requires that the representatives of counties shall be residents of the county where they are to be chosen one whole year next preceding the election, &c. And asked if the qualification could be changed by the Maryland Legislature?

The Constitution did not say that they should reside there no longer than one year. If they resided there two years they would still be eligible under the Constitution; and if required to reside there two years, it would be merely superadding the qualification of an additional year's residence. The major proposition would include the minor. If he had resided there ten years, he must have resided there a year. No one would contend that the time could be made shorter by the Legislature; but it was not more in conflict with the Constitution to make the time shorter than to make it longer, or to superadd any other qualification. This oft-repeated clamor against the overshadowing commercial power of the city of Baltimore, was like the old fable of the rebellion of the limbs against the belly, all being members of one body, which must stand or fall, prosper or perish together. He did not wish an article incorporated into the Constitution which was not only founded upon a mistaken apprehension, but would be a nullity, and would lead to diversity of feeling with respect to the adoption of the instrument itself. It might be impossible to satisfy the people of Maryland, whether or not the provision was binding. It would lead to misunderstanding, and when decided to be a nullity it would lead to disappointment and perhaps dissatisfaction. He would therefore oppose the proposition.

Mr. Hicks had listened patiently to the able discussion of the gentlemen from Frederick, (Mr. Thomas,) from Kent, (Mr. Chambers,) and from Prince George's, (Mr. Bowie,) but he could not consent, as a representative, a feeble representative of the Eastern Shore, that the vote should be taken without saying something