

Mr. JOHN NEWCOMER demanded the yeas and nays;

Which were ordered and taken,

And resulted as follows :

*Affirmative.*—Messrs. Chapman, Pres't, Morgan, Biakistone, Hopewell, Ricaud, Chambers, of Kent, Buchanan, Dickinson, Colston, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Bowie, Sprigg, Dirickson, McMaster, Hearn, Stephenson, Nelson, Carter, Brent of Baltimore city, Sherwood, of Baltimore city, Ware, John Newcomer, Kilgour and Waters—29.

*Negative*—Messrs Donaldson, Dorsey, Wells, Randall, Sellman, Howard, Welch, Sherwood, of Talbot, Phelps, McCullough, George, Biser Annan, McHenry, Thawley, Stewart, of Caroline, Gwinn, Schley, Fiery, Davis, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower and Cockey—28.

So the blank was filled with "twenty thousand."

Mr. SMITH gave notice of his intention, when the House was full, that he should move to reconsider the vote of the Convention just taken on the amendment.

Mr. McMASTER gave notice that on to-morrow he should move to reconsider the vote of the Convention on the article creating "Howard county."

Mr. PHELPS gave notice of his intention, at some future day, to move to reconsider the vote of the Convention dividing Allegany county, and creating a new county.

The question then recurred upon the adoption of the amendment of Mr Phelps, submitted on 4th April, to come in at the end of the 23d section and which is as follows :

"But new counties may be established by the Legislature, containing the requisite population composed of parts of two or more counties, whenever a majority of voters in each of said counties shall at any election for delegates to the Assembly, desire such new county to be erected. Provided, that no new county shall be established unless a bill for that purpose shall be passed at two successive sessions of the General Assembly."

Mr. SCHLEY moved to amend the amendment by striking out the proviso thereof.

Mr. PHELPS hoped the amendment would not prevail. The gentleman (Mr. Schley,) he thought, seemed to regard the making of new counties a mere trivial affair. Now, it was not so, for there never had been, and never should be, a county erected in Maryland, without the action of two successive Legislatures. He (Mr. Phelps,) trusted that the provision on the subject would be allowed to remain as it was. What great inconvenience could the people suffer in having to wait two years? Why, the people, in some sections of the State, had remained seventy-five years, and

even longer, without having their county organized by act of Legislature. And yet the gentleman thought that great evils and inconvenience would result from having to wait two years only. How often did it occur in the Legislature, through log-rolling, and by undue influences brought to bear, that bills were passed which never ought to have been sanctioned? And the same course might be pursued in regard to creating new counties, if the action of one Legislature only, was required to make a bill a law of the State. Whereas, if the people had time to reflect on the subject, between the two periods, a bill for the formation of a new county might never receive their sanction, and consequently, not become a law.

Mr. BISER observed that his friend from Dorchester, [Mr. Phelps,] seemed to have forgotten the character of his own amendment. Now, if he had understood the gentleman correctly, he said, in substance, that as a proposition for the formation of a new county, might be sprung upon the Legislature, and have it passed without having the approbation of the people. Now, he, [Mr. B.,] would examine and read the gentleman's own amendment, as offered by him, which reads as follows :

"But new counties may be established by the Legislature, containing the requisite population, composed of parts of two or more counties, whenever a majority of voters in each of said counties shall at any election for delegates to the Assembly desire such new county to be erected. Provided, that no new county shall be established, unless a bill for that purpose shall be passed at two successive sessions of the General Assembly."

Therefore it was impossible, in his, [Mr. B.'s.] opinion, if the amendment stood, to take the Legislature by surprise. It would be necessary before a new county could be created, to have a favorable expression at the ballot box in each county. When a majority of the people living within the boundaries of the contemplated new county had expressed their desire for a county, they should have it; that then, and then only, should there be a new county. Now, could the gentleman desire a greater safeguard than that? He, (Mr. B.,) was a people's man, and whenever he could get an expression of their wishes as clear and unquestionable as this was, as required by the gentleman from Dorchester, he entertained no fear that the people would do wrong.

Mr. PHELPS regretted he could not see the force of the remarks of the gentleman from Frederick, (Mr. Biser.) The creation of a new county is unquestionably a constitutional change, and has always been so regarded. It effects the representation of both branches of the General Assembly. This was the first time he had ever heard the doctrine advanced, that the Constitution of the State, the fundamental law itself, should be altered by a mere majority vote of the people, or by a single legislative enactment.

The most ultra and radical Democratic State in the whole Union did not recognize this doctrine.