

Mr. Biser said, he desired to make this State more Democratic than any other.

Mr. PHELPS said he did not. Even the universally acknowledged Democratic State of South Carolina, would repudiate this doctrine, and he had no desire that old Maryland should overleap her in this particular. In order to effect the slightest change in the Constitution of that State, a bill providing for the proposed alteration must first pass the General Assembly, and then be submitted to the people to be voted for or against, and if a majority of all the votes cast be in favor of the proposed change, even then it must be confirmed by a two-thirds vote of the General Assembly before it shall become a part of the Constitution.

This doctrine of effecting changes in the Constitution by mere legislative enactment was even in advance of "Progressive Democracy" itself, and he had no desire to place Maryland in the foreground in this respect.

Mr. STEWART, of Caroline, suggested, that as whatever votes would be taken to-day would be brought up anew to-morrow upon a motion to reconsider, it would be well to pass over this article for the present. He was decidedly in favor of the introduction of an article requiring a certain amount of territory for the formation of a new county. The idea of county did not suggest so much the idea of the population contained in the county, as the territory, wealth, &c. If the article should be passed as it stood, after filling up the blanks, as a necessary consequence the city of Baltimore could be divided into some ten counties because nothing was said about territory. Frederick county could be divided by making Frederick city and a portion of the surrounding country one county, and the remainder another; and so with the whole western portion of the State as it should become populous and thickly settled. When he could have time to consider the necessary data, he should wish to offer an amendment to guard against this result, by providing certain territorial limits which any new county should possess.

Mr. PHELPS regretted that the principal of territory had not been properly regarded, when the apportionment bill was before the House, for it will be recollected that that bill was based solely upon population.

The representation is processed arbitrary, until the next census. 1860; but by referring to the population and proposed representation of the different counties, it will be found, that it approximates very nearly the ratio of one representative to every 6000 souls.

Mr. Biser inquired, why it was that no county in Maryland should have less than two delegates, if this principle was recognized?

Mr. PHELPS replied that there were no counties in the State, so small, but whose population was six thousand and a fraction, over half that number of souls, and would therefore be enti-

tled under the apportionment bill to two delegates. He believed that territory should be represented on this floor; and he had so evinced his opinion by all his votes upon the apportionment bill.

The gentlemen from Caroline, for the first time, so far as he knew, now insists upon territory being properly regarded in the formation of new counties. He would not pretend to say, how the gentlemen from Caroline, had voted in reference to this question, heretofore; that was a matter with himself and his people at home. But he would say, that the majority upon this floor with whom that gentlemen usually acts, had determined to disregard territory entirely, and to base representation, hereafter, solely upon population.

He was glad to perceive the gentleman evincing a disposition, to retrace his steps upon this question, and now to affix the requisite amount of territory, which should hereafter entitle new counties to one or more representatives in the House of Delegates, of Maryland.

He regretted exceedingly, however, that this new light had not sooner have dawned upon us, and this principle sooner recognized and made uniform throughout the State.

Mr. STEWART said that he had voted not to give full strength to territory, and at the same time not to give full force to population. But it was evident that fixing the basis of representation was a very different thing from fixing the terms of the creation of a new county. He considered a county to be erected for the convenience of the people, not so much in relation to their influence in the halls of legislation, as to their business transactions. It would be an inconvenience to have but one court of justice in the whole State of Maryland. Witnesses and jurymen being paid a mileage for attendance, the taxes would be greater, while the inconvenience would be enormous. The county would be formed upon principles to remedy these evils.

He would here say, lest he should be thought afraid to express his sentiments, that he was in favor of representation according to population; and that his vote was not so much the expression of his own opinions, as the expression of the opinions of the constituency represented by him. If he could convince them that nothing need be feared from the increasing population of the city of Baltimore, he would tell his constituents that they ought to give a representation according to population. He feared not to be trampled upon by the city of Baltimore. He would dare the people of the Western Shore to cross the bay, and trample upon the rights of the eastern counties. Was there not yet, in the 19th century, sufficient independence in the people of the Eastern Shore, to repel any invariance of their rights? Their rights had never been trampled upon. It had been said that they were taxed to build up internal improvements. He would ask the gentleman from Dorchester, who it was in 1836, or thereabouts, that advocated internal improvements.