

"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. SMITH suggested that the substitute required a majority of the whole number of voters in the county and that this would be fatal to the whole matter. Those collected around the court-house and in the populous portions of the county, would oppose the division, however necessary it might be to another portion of the county.

Mr. McHENRY remarked that the section would not effect the previous action of the Convention with reference to Allegany county. He thought a county ought not to be divided unless a majority were in favor of it.

The CHAIR ruled the amendment moved by Mr. DORSEY, out of order.

After some discussion upon this decision,

Mr. PHELPS modified his amendment by inserting after the word "Assembly," in fourth line, the words "in manner to be prescribed by the Legislature."

After some further discussion upon a point of order,

The amendment was adopted as modified.

The question then recurred on the adoption of the substitute as offered by Mr. McHenry, for the 23rd section as amended.

Mr. BROWN stated that he should vote in favor of the substitute offered by the gentleman from Harford, although he thought the phraseology defective, and whether it prevailed or not, should vote against the whole project. He thought it would induce the people to believe that they could get new counties, and they would go to great expense in order to obtain them, and yet must always be defeated. There would not be a county in the State in which the majority of the voters of the county would agree to part with any portion of it. Carroll county had been erected right in the teeth of Frederick and Baltimore counties. Although the people who lived in the proposed new county would almost unanimously vote in favor of it, yet the remainder of the voters would out number them. If in any case the new county should prevail in the first instance, it would be overthrown before it could be finally passed. By such a provision, they would "keep the word of promise to the ear, and break it to the hope." He would prefer to see a clause giving the Legislature power, whenever they thought proper, to create new counties; or he would prefer that the whole matter should lie over until another Convention assembled. At the end of ten years the State ought to decide whether to hold a new Convention or not, and it might be left until that time. He thought there were counties enough just now.

Mr. PHELPS said he was a little astonished to hear the gentleman from Carroll [Mr. BROWN] say he was opposed to having any mode to create new counties. He had, himself, no great interest in the erection of new counties; but he thought that public convenience might require new counties to be erected. He should not be disposed,

however, to vote for the project of the gentleman from Harford, because he thought that new counties should not be carved out lightly, or segregated by the whim and caprice of the mere majority of the people. He differed from the gentleman from Carroll, as to the propriety of leaving the whole matter to the next Convention, for he believed there would not be another one for one hundred and fifty years. There certainly would not be another one so long as tradition or history should carry down to posterity the doings of this Convention. He trusted that some provision would be made for new counties, although he was not prepared to say that the mode should be a simple act of the General Assembly.

Mr. BOWIE was satisfied that there should be some provision in the Constitution with regard to the formation of a new county; but that it ought not to be too easily done. Least of all, ought a county to be dismembered without the assent of a majority of the people of that county. He should consider such an act tyrannical. But, if the majority wished the county to be divided, they had a right to expect it to be done. He was willing to vote for the article as it now stood, but should vote against the substitute of the gentleman from Harford, to authorize the formation of a new county, without defining the population it should have, or what population the county from which it should be taken, should have; simply declaring that when formed, both should have three delegates—an arbitrary rule, and an arbitrary basis. It seemed to him that this would be a dangerous power, and he hoped it would not receive the sanction of the Convention.

The question being then taken upon the substitute, it was rejected.

The question then recurred upon the adoption of the twenty-third section as amended.

Mr. DORSEY differed from the opinion expressed by the gentleman from Prince George's, and believed that a majority of the voters of both counties ought not to be required, for rarely, if ever, would a majority—be the emergency what it might—give its assent to the division. Most of the population were collected in one portion of the country, and were anxious that the counties should be as large as possible. In Anne Arundel county, there had been a district formed for some time previous which had rendered the creation of the county more acceptable than it would otherwise have been. He trusted that a majority vote would not be required.

Mr. BOWIE could not conceive of any motive whatever, when the public convenience required a new county why the majority of the people should be unwilling to permit its formation. He could never agree that the legislature ought to have the power against the will of a majority of the people to divide a county. The proposition seemed to him monstrous. To give a mere minority power to dismember any two counties against their will, for political or other purposes, seemed to him gross injustice, and such a proposition could never receive his sanction.