

the legal voters residing within the limits about to form said county."

Mr. STIRLING. It only provides that they never shall do it without the consent of a majority of the legal voters residing in the portion cut off.

Mr. KING. They can do it, because they can vote for the separation, and the legislature is bound to give it to them. If these gentlemen living in a part of one county can have just what they want, and separate from us without our consent, it is a very unnatural state of things; because any four or five districts in the county may set up their plea, and if they can get a majority of voters, they may go away entirely without our consent. I cannot vote for it.

Mr. HEBB. I will state that the proposition was made to the committee, that this proposition should also require a majority of the voters residing in each county. As drawn up, the section read in this way:

"Section 1. The general assembly shall provide for organizing new counties, locating and removing county seats, and changing county lines; and all such laws shall before taking effect, be submitted to the voters of the several counties to be affected thereby, and be adopted by a majority of all the legal voters voting on the question in each of said counties; but no new county shall be organized without the consent of a majority of the legal voters residing within the limits about to form said county."

The majority of the committee were not willing that these words should be expressed, and they were stricken out. I am myself in favor of requiring the consent not only of the portion of the county to be cut off, but also of the majority of the legal voters in the rest of the county. I should prefer to insert those words instead of the amendment of the gentleman from Montgomery (Mr. Duvall.)

Mr. DUVALL demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 20, nays 33—as follows:

Yeas—Messrs. Goldsborough, President; Barron, Bond, Brooks, Brown, Clarke, Davis, of Washington, Dellinger, Duvall, Edelen, Hollyday, King, Lee, Mitchell, Morgan, Nyman, Parker, Parran, Thomas, Wickard—20.

Nays—Messrs. Abbott, Annan Audoun, Cunningham, Cushing, Daniel, Earle, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hopkins, Hopper, Markey, Mayhugh, McComas, Murray, Purnell, Robinette, Russell, Sands, Schley, Scott, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Todd, Valliant, Wooden—33.

As their names were called,

Mr. ABBOTT said: It appears to me that the gentleman from Howard (Mr. Sands) has explained the matter properly, and I shall vote "no."

Mr. HEBB. I shall vote against this amend-

ment, because it does not meet the object which the gentleman wishes to accomplish.— I will afterwards offer my proposition, and the sense of the convention can be taken upon that. I vote "no."

Mr. SCHLEY. For the purpose of voting for the amendment offered by the gentleman from Allegany (Mr. Hebb.) I vote "no."

The amendment of Mr. DUVALL was accordingly rejected.

Mr. STOCKBRIDGE. I desire to call the attention of the convention to an expression in this section which strikes me as unfortunate.

"No new county shall be organized without the consent of a majority of the legal voters residing within the limits about to form said county."

I suppose the design was to prevent the formation of a new county without the consent of a majority of those voting at the election. It is notorious throughout the counties, that from fifteen to thirty-five per cent. of the voters, at every election, do not vote. Pr vision has been made for the registration of voters, and hence we may know the entire number entitled to vote. The result will be that although a proposition for division may receive two or three hundred majority, it may yet not receive a majority of the legal voters residing in the place to be affected. If that was the purpose of the committee the phraseology should be changed, so as to receive a majority of all the votes cast at the election.

Mr. HEBB submitted the following amendment:

"Line three, after the word 'lines,' insert 'and all such laws shall before taking effect, be submitted to the voters of the several counties to be affected thereby, and be adopted by a majority of all the legal voters voting on the question in each of said counties.'"

Mr. STIRLING. I cannot vote for the proposition of the gentleman from Allegany (Mr. Hebb.) Nor do I think the suggestion of my colleague (Mr. Stockbridge) is exactly the proper policy for us to adopt. It seems to me that a part of a county ought not to be set off unless a majority of the legal voters in the county should cast their votes for it. If it is a matter of so much indifference to the people that they do not take the trouble to vote upon it, or if there is a bare majority, it ought not to be done. I therefore think the report better as it is, so far as that is concerned.

It seems to me that the proposition of the gentleman from Allegany amounts to more than he desires to accomplish. I understand his object to be that when a portion of one county is set off and annexed to another, it shall not only require the consent of the people thus transferred, but of the people of each of the old counties. But the section as he proposes to amend it, provides for a great deal more than organizing new counties. It provides for changing county lines; and in that case also requires that the question shall