

the people on the question of changing county lines, excepting where they form a new county. I see no provision for taking the sense of the people, in transferring districts from one county to another.

Mr. CLARKE. I think the construction placed upon this article by the gentleman from Howard (Mr. Sands) is not the proper construction. If three districts of Baltimore county are transferred to Howard county, that would be simply changing the county line, and not forming a new county. And I do not see how under this section the question could be submitted to the people at all. It is only when two counties are divided and a third county is formed, that this provision applies. I do not see that it applies at all to the case cited by the gentleman from Howard.

Mr. SANDS. I am very happy to see the spirit evinced by my friend to assist us in our difficulty, but if you wish to oblige us, let it stand.

Mr. KING. But your getting out of difficulty gets me in. I want to get out of my difficulty.

The PRESIDENT. The view entertained by the gentleman is exactly like my own. If two districts of Caroline wish to attach themselves to Talbot, then to what district would the legislature look for the legal vote? Would it be to the county of Talbot and the two districts of Caroline, or to the two districts of Caroline alone?

Mr. SANDS. The county of Talbot and the two districts of Caroline alone.

The PRESIDENT. If it said "within the limits about to form said new county" it would be clear.

Mr. SANDS. I have no objection to that.

Mr. SCHLEY. I should like to ask the chairman of the committee for information, what he means by the prohibition at the end of the first section—"nor shall any new county contain less than four hundred square miles, nor less than ten thousand white inhabitants, nor shall any county be reduced below that amount of square miles, nor below that number of white inhabitants."

Does he mean to prohibit emigration, or what is to become of a county reduced below that number?

Mr. HEBB. It means that counties shall not be divided so as to have less than that number.

Mr. SCHLEY. It does not say so.

Mr. STOCKBRIDGE. I have drawn two amendments to obviate the difficulty the gentleman from Baltimore county (Mr. King) seems to labor under. I will indicate both at this time, that it may be seen how it will affect the section. The first is to insert in line four, after the word "organized," the words "nor the lines between any counties changed;" and the second to insert after the word "county," in line five, the words

"or to be transferred by said change of line from one county to another." The section will read, if these amendments are adopted, thus:

"Sec. 1. The general assembly may provide for organizing new counties, locating and removing county seats, and changing county lines, but no new county shall be organized, nor the lines between any counties changed, without the consent of a majority of the legal voters residing within the limits about to form said county, or to be transferred by said change of lines from one county to another; nor shall any county be reduced," &c.

I move the first of these amendments.

Mr. SHIRLING. My difficulty is this: Suppose we want to run a county line anew, and it changes it in some places to the extent of two feet. Are you going to submit the question to the people living within those two feet?

Mr. STOCKBRIDGE. How can people be living within two feet?

Mr. SHIRLING. There might be one man living there. Suppose we want to re-arrange the boundaries of Baltimore city, and want to take in fifty yards of territory now in Baltimore county, and embracing a street; what is the use of taking the vote of the people who live in those fifty yards, whether they wish to live in Baltimore city or prefer to stay in Baltimore county? I admit that there would be some reason for it, if we were actually to change any considerable amount of territory. But is there any reason why the legislature should not have the right to run county lines and prescribe boundaries? If it amounted to enough to be a change of any great extent of territory, there would be some reason for taking a vote; but it seems to me that the legislature may safely be trusted to regulate this matter.

The amendment was rejected.

Mr. STOCKBRIDGE. Of course I do not offer the other amendment.

Mr. SCHLEY. I move further to amend by striking out in line eight, the words "shall any county." I am sure from the explanation given by my friend, that it does not mean to prevent emigration.

Mr. HEBB. I think that destroys the whole effect of it. The report reads: "nor shall any new county contain less than four hundred square miles, nor less than ten thousand white inhabitants, nor shall any county be reduced below that amount of square miles, nor below that number of white inhabitants."

That is, the county out of which the portion is taken to form the new county. If the gentleman strikes out the words "shall any county," it will mean "nor shall any new county," and will not refer to the old counties.

Mr. SCHLEY. That is what I understood