

county; and the inhabitants whereof shall have and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of the other counties in this State.

Mr. SMITH remarked that he supposed it was not necessary for him to say much on this subject; it was however important that he should explain the position of Allegany county. In point of territory, it was nearly double that of any other county in the State, containing about 11,090 square miles. That portion of the county which it was proposed to divide, (being the western part,) now contains a population of 7,000 souls. The bill was entirely prospective in its character, and provides for the separation after it shall have increased in population to 10,000 souls. It is a delightful region of country, and will no doubt soon be filled with thriving and enterprising citizens.

This portion of the county is very remote from the county town, and it is greatly annoying to its citizens to be dragged sixty or seventy miles to the different courts. The bill therefore makes it (after it has acquired a sufficient population, and the people desire it, and make known their desire by petition to the legislature,) imperative upon that body to provide for the opening of books at each election district in that part of the county to take the sense of the voters upon the subject for or against a new county. I deem it important to make this provision in the Constitution to avoid the difficulties and delays in being admitted as a new county.

For many years has Howard District been knocking at the door of the Legislature, asking to be admitted as a county. Such was the case in 1843, when I had the honor in part to represent Allegany county, and yet never, until the present moment, have they been able to accomplish their object. I hope, Mr. President, the proposition will prevail, as it is most reasonable and just it should.

Mr. PHELPS said according to the Apportionment Bill, which had been adopted by the House, Alleghany county was declared to be entitled to four Delegates, but if you adopt this report, and the county be divided into two, he presumed the effect would be to increase their representation upon this floor. Although the representation agreed upon now is professedly arbitrary, after 1860 it is declared it shall be based in the counties solely upon population, and he thought the same principle should apply to this new county proposed to be created. If this county is to be divided, let the representation be divided also, and let the two have no more strength in the House of Delegates than the one has under the present basis of representation. There is a provision in the Apportionment Bill that no county shall have less than two representatives, and if you divide Alleghany county, without any special provision upon the subject, she will then have six Delegates instead of four, as now provided.

Mr. SMITH said that there was no necessity for this. It had now a population of 7,000, and it would require some years before it would reach the number proposed in the report. It might not di-

vide until 1860, and then it would come under the arrangement of the Constitution.

Mr. PHELPS thought this was looking too far into the future. "Sufficient for the day was the evil thereof." He most sincerely hoped the Bill would not pass.

He remarked that there was a section in the Legislative report which had been passed over informally, which looked to the fixing of the number of inhabitants which should be requisite previous to the creation of new counties. When that section shall be under consideration he gave notice he should propose to fill the blank with ten thousand, and should offer an amendment to the section, pointing out the mode and manner of creating new counties by the General Assembly of Maryland.

Mr. SMITH said the gentleman from Dorchester certainly did not comprehend his remarks. He had said it would take several years to fill up the amount of population. (True, it was now very rapidly filling by enterprising citizens from adjoining States.) After the amount of population necessary, it would take several years to carry out the provisions under any and every circumstance. He said there was a general provision for creating new counties in the Legislative bill, and when it came up for consideration he would move to fill up the first blank with 15,000, and the second with 10,000, and add a certain extent of territory. This last provision would prevent the counties from being too small in territory, and remove the objection of the gentleman (Mr. John Newcomer) from Washington county. He hoped the gentleman now understood him.

Mr. THOMAS had not supposed that this question would elicit any discussion or much contrariety of opinion; but as the yeas and nays were to be taken, he desired to say a few words. Having a familiar local knowledge of that section of Maryland, he would take occasion to say that by the time a population of ten thousand had located upon this territory from which they proposed to institute a new county, it would be, onerous, in the highest degree, to require the people of that county to repair to Cumberland, the present seat of Government, for some of them would be obliged to travel sixty or seventy miles. The section proposed to be made a new county, when it should contain a population of ten thousand souls, lies west of the Big Back Bone or Savage Mountain. It would be, for extent of territory, next to Frederick and Baltimore counties, the largest county in Maryland. He thought that it would be an extreme hardship to leave a portion of their people, when they should become ten thousand strong, under the necessity of traveling sixty or seventy miles to a court of justice, for the purpose of adjudicating very ordinary or trifling cases. To the humble mechanic and laboring man, it would be an absolute denial of justice; for how could they appeal from a magistrate's decision to the court of the county? He asked gentlemen to suppose the dilemma in which their constituents would be placed if they had to travel sixty or seventy miles to a court of justice?

The proposition made by the gentleman from