

each House, regardless of limitation. If you look at the Constitution of 1776, you will find that although there were 18 counties existing in Maryland at that time, the Constitution called for only 15 Senators, six to be elected from the Eastern Shore, and nine from the Western Shore, by an electoral college.

In the House, each county was entitled to only four delegates, and the Cities of Baltimore and Annapolis were entitled to two. In the 1851 Constitution, for the first time the State of Maryland adopted the proposition that each County was entitled to one Senator and so with 21 counties in Maryland, there were 21 county Senators. In the House, however, there was a sliding scale so that there could not be, regardless of population, more than five delegates.

The 1864 Constitution retained the sliding scale for the House, and the twenty-one member Senate. The Constitution of 1867 under which we operate today originally provided a Senator for each county, and three districts for the City of Baltimore, with one Senator to come from each. By amendments in 1900 and 1922, first one additional and then two additional Senators were provided for the City of Baltimore, which brought the total to 29. In the House, regardless of the number of inhabitants of each county, which exceeded 55,000, one county received no more than six Delegates in the aggregate, so that in effect, built into the State Constitution, was the machinery to determine the ultimate number in any event. In 1950 the figure was frozen at 123, because so many of the large counties had passed the 55,000 mark, and they did not want to allow the gradations from two to six, which were allowable to the smaller counties as they were growing to further provide malapportionment within the General Assembly. Nevertheless had the ultimate happened, and each of the 23 counties and six Districts of Baltimore City exceeded the 55,000 figure the 29 subdivisions of the state would still have not been entitled to more than six apiece, so that you would have had a maximum of 174 members of the House of Delegates.

That was never allowed to happen, but as I say, the machinery had been built in to provide a maximum number.

I address myself to this Constitutional history because I think it is important from the viewpoint of Committee Recommendation L-B1, for the Committee of the Whole to recognize that never has the Constitution of Maryland allowed limitless numbers

in either the House or the Senate. If we had, we might well find ourselves in the position of the State of New Hampshire, with 400 members in the House, or in the position of the lower house of the Congress of the United States, where nothing can be done because of the large number and they operate permanently for all intents and purposes on the Committee of the Whole basis. And so in making a recommendation of the limitation of 35-105, the Committee was not unmindful of what had happened before. It was not unmindful of the lack of enthusiasm of a member of the General Assembly to legislate himself out of office by way of reapportionment and redistricting when those times must come, and those times have come and are with us, and will be with us for days to come.

It is very necessary to provide some limitation.

The 35-105 figure is not necessarily one of magic or one of art but when one considers the testimony which we had before us, it became perfectly obvious that there was great rationale and support for this particular set of numbers.

I might point out, too, that there is no necessity that the full 105-35 be used. Any lesser number can be used, as long as the multiple of 3 House members exists for each Senate member.

At this point I think it appropriate to address myself to the question of why we have abandoned the attempt to keep every county represented by at least one delegate. The answer lies in the projected population figures for the State of Maryland in 1970 and 1980.

We will have, if those estimates are correct, a little less by 40,000 than 4 million people in 1970, and by 1980, the figure should approach 5,400,000.

Under the one-man, one-vote rule, it becomes obvious that in 1970, in order to provide each county with one delegate it would be necessary that this chamber be enlarged to accommodate 192 persons. If the 5,400,000 figure prevails in 1980, it will be necessary that this body be enlarged to approximately 227 members.

Now, in using these population figures and these projections, I should point out to the Committee of the Whole that they have always been on the conservative side, and that if you go back and examine these same projections in the 1930 and 1940 reports of the State Department of Planning, you will