

summoned from Kent, Dorchester, and Somerset. The answer was that it was not desirable to burden these "poor and new erected Countys with more delegates than formerly they used to have."³¹

In the 1676 election the sheriffs were authorized to have four delegates selected from each county. Only two delegates, however, were summoned from each county to sit in the assembly.³² The governor was petitioned thereafter that a fixed number of delegates be elected and that they all be summoned to each assembly session. The governor, perhaps mindful of Bacon's Rebellion in Virginia and of similar unrest in Maryland, agreed.³³ In the next session, in 1678, all four delegates were summoned from all the counties. An act of that session required the election of four delegates per county and that all delegates attend each session without waiting for or the need of a summons to attend the sessions.³⁴

Despite the 1678 law the sheriffs were instructed in 1681 to have only two delegates elected in each county. The Lower House protested, but to no avail. In 1682 Lord Baltimore addressed the Assembly in person, saying that due to the frequent assemblies he thought it necessary to reduce expenses by summoning only two delegates from each county.³⁵ The Lower House responded by sending the Upper House a bill allowing the freemen of each county to decide whether to have two, three, or four delegates. Lord Baltimore refused to give the freemen this discretion. Finally in 1683, when resolution of the

dispute had proved unattainable, the Lower House gave up the struggle.

The situation continued unchanged until the province came under royal government. Then, in the 1692 session, the assembly directed the election of four delegates and guaranteed each county's right to full representation at every session.³⁶ Thenceforth, for the remainder of the colonial period, the representation of the counties remained fixed. The only other noteworthy event during this period was giving the Lower House the title of "House of Delegates" in 1695.

The colonial period thus saw a transition from required direct participation of all freemen in the legislature, to representation by proxy or by delegate, to final representation by elected burgesses. The basis of representation started on a pure one vote per freeman and ended on a basis of four representatives per county without regard for county populations. The principle also became established that all elected representatives were to be summoned to assembly sessions. The practice of electing the same number of representatives from all counties but summoning only part of them could have given rise, if continued, to problems paralleling those of apportionment. The firm establishment of equal representation of all counties obviated the need to consider apportionment problems.

THE 1776 CONSTITUTION

The American Revolution destroyed the Charter as a valid basis for governing Maryland and led directly to the adoption of the Constitution of 1776. This Constitution provided for a House of Delegates and a Senate, neither of which was apportioned on the basis of population.

³¹ *Id.* at 48.

³² 7 ARCHIVES 118.

³³ MERENESS, *supra* note 8, at 201.

³⁴ 7 ARCHIVES 60.

³⁵ 7 ARCHIVES 334.

³⁶ 13 ARCHIVES 541.