

The House of Delegates was founded on the basis of equal representation of counties, each county being entitled to four delegates.³⁷ But this equality was qualified, for Baltimore City and Annapolis were given the right to elect two delegates. In the case of Baltimore, there was a provision that if the number of persons in Baltimore having the suffrage should fall below one-half the number of voters in the least populous county of the State for seven successive years, then Baltimore was to cease sending its two delegates until it again had a voting population of more than one-half of the smallest county.³⁸ The 1776 Constitution thus did admit, to a slight degree, the relevance of population to representation in the House of Delegates.

Present day attacks on malapportionment sometimes speak of malapportionment as giving in effect multiple weight to the votes of favored electors. The possibility of actual multiple votes was created by the provisions of the Constitution allowing Baltimore City and Annapolis to elect two delegates, for each of these cities was an integral part of the county in which it was located. Article VI of the Constitution eliminated these possibilities of multiple voting with respect to Baltimore City by excluding the city voters from participation in the county elections. It was different with respect to Annapolis, however, where under Article IV city voters could also participate in the Anne Arundel County elections—and thus vote twice for delegates—provided they had a freehold of fifty acres of land in the county distinct from any property holdings in the city.

Representation in the House of Dele-

gates under the Constitution of 1776 was thus based on a confusing mixture of principles: equal representation for the counties, as counties, augmented by one-half representation for Baltimore City and Annapolis, but contingent for Baltimore upon a minimum population ratio. Undue weight for these city voters was to be avoided by excluding them from the election of county delegates unless, in the case of Annapolis, minimum property qualifications in that part of the county outside of the city were also met.

Although not apportioned according to population on a statewide basis, the delegates to the lower house from each county were subject to popular control within that county. The 1776 Constitution sought to prevent any degree of popular control, even at the county level, over the Senate by providing for its indirect election. This was accomplished by allowing each county to elect by popular vote two senatorial electors, Baltimore City and Annapolis being allowed to elect one such senatorial elector each.³⁹ The senatorial electors were then to elect fifteen senators, nine to be residents of the Western shore and six residents of the Eastern Shore.⁴⁰

An amendment in 1810 ended the right of those residents of Annapolis who owned fifty acres of land in Anne Arundel County outside of the city to vote in both the city and the county, thus terminating Maryland's only experiment with multiple voting.⁴¹

The delegates to the General Assembly and the senatorial electors were, of course, not apportioned by population. This was not too serious at first for the

³⁷ MD. CONST. art. II (1776).

³⁸ MD. CONST. art. V (1776).

³⁹ MD. CONST. art. XIV (1776).

⁴⁰ MD. CONST. art. XV (1776).

⁴¹ MD. CONST. art. XV (1810).