LEGISLATIVE BRANCH

State's population was not distributed grossly unevenly and there were no great population concentrations in the cities. By 1790 the most populous county, Baltimore, had about five times the population of the least populous county, Allegany, but twelve of the nineteen counties, and Baltimore City, still fell into a rather restricted common population range—10,000 to 20,000 persons.[42] By 1812 the political effects of different population growth rates in the counties could be easily seen. In that year the Democrats had a statewide majority of over 2,000 votes, but the Federalists, strong in the overrepresented counties, had over a 2-1 majority in both the House ·of ·.Delegates and the Senate.[43]

In succeeding years, as the situation worsened, reapportionment measures were defeated in the General Assembly. These reapportionment measures would primarily have benefited fast-growing and greatly underrepresented Baltimore City, which was distrusted because of its urban nature, size, and immigrant background. By 1836 less than one-fourth of the population of the State, located in the smaller counties, was able to elect a majority of the senatorial electors, and thus all of the Senate, as well as a majority of the House. The repeated demands for reform culminated in this year in a bipartisan reform convention which met in Baltimore to seek election of legislators pledged to reapportionment. The attempt did not succeed, in part because the smaller counties were largely

controlled by the Whigs while the Democrats were stronger in the more populous counties. In the 1836 senatorial college election, held in September, the Whigs selected twenty-one electors and the Democrats nineteen. Since it took twenty-four senatorial electors to constitute a quorum in the electoral college, and since all reform efforts, culminating in the reform convention, had been rebuffed, the Democrats refused to attend unless the Whigs conceded to them eight Senate seats, a majority of the fifteen senators. A letter from the Democratic electors to the Whig electors explained their position:

"Of the nineteen counties and two cities, into which the State is divided, we represent the two cities and eight of the counties, having a white population of 205,922 and federal numbers[44] of 267,669. You represent ten of the counties, having a white population of 85,176 and federal numbers of 138,002; and the vote of the remaining counties is divided. . . . we represent nearly three-fourths of the free white population, and two-thirds of the Federal numbers of the State, and very much the largest portion of its territorial extent and wealth. . . . The counties and cities we represent ought to have, upon any political principle which governs the appointment of members of a Legislature, a majority of the Senate to be formed."[45]

The letter went on to recall the fruitless

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[42] Population figures throughout this article are from the decennial censuses of the United States. Other sources are specifically cited when used.

[43] Niles, *Weekly Register* (Baltimore) 111 (Oct. 16, 1813), cited in *Brief for Appellants* at 45, Md. Comm. v. Tawes, 377 U.S. 656 (1964).

[44] Under Art. 1, Sec. 2, Clause 3, of the U. S. Constitution, representatives in the House of Representatives were to be apportioned among the States "according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons."

[45] RILEY, *supra* note 8, at 341.