

efforts for reform and stated that it would be better if "the legislative functions of the government should cease for a session," then five years, than to have continued "that oppressive domination of a small minority over the majority, which has been so long reluctantly endured by the people of Maryland."⁴⁶

The Whigs refused the demanded reform and the Democratic electors, true to their pledge, boycotted the electoral college and thus prevented the selection of a Senate. This extra-constitutional situation threw the State into political turmoil. How the State would have reacted to a five-year hiatus in legislative action we can only speculate, for in the November elections to the House of Delegates five counties that had elected Democratic senatorial electors chose Whigs for delegates. The senatorial electors from these counties took the November election to be a popular repudiation of their stand and subsequently met with the Whig electors, giving a quorum and permitting the election of a Senate.

The Democrats, although they lost their attempt to prevent election of a Whig Senate, had so dramatized the situation and their potential power, if unappeased, to sabotage governmental action that electoral reform in 1837 was both inescapable and far-reaching. In this reform the indirect election of senators was abolished, being replaced by direct popular election of one senator from each county and Baltimore City.⁴⁷ The 1837 amendments also provided a temporary reapportionment of the House of Delegates pending a permanent reapportionment to follow the next census. For the interim period Baltimore City, Baltimore County, and Frederick County were each to have five

delegates; Anne Arundel, Carroll, Dorchester, Harford, Montgomery, Prince George's, Somerset, Washington, and Worcester counties four delegates; Allegany, Calvert, Caroline, Cecil, Charles, Kent, Queen Anne's, Saint Mary's, and Talbot counties three delegates; and Annapolis city one delegate.⁴⁸

The permanent reapportionment to follow the 1840 census was explicitly based on population. According to the permanent formula each county was to have representation based on its federal numbers as follows:

Under 15,000	3 delegates
15,000 but less than 25,000	4 delegates
25,000 but less than 35,000	5 delegates
Over 35,000	6 delegates

Baltimore City was to have as many delegates as the county with the largest representation on the above basis.⁴⁹ A saving clause kept any county's representation from being reduced below that provided by the "temporary" apportionment.

In 1840 Frederick was the largest county with 36,405 inhabitants, and a federal number just under 35,000, while Baltimore City had 102,313. Both of these consequently had five delegates, less than double the three delegates assigned to Caroline County, with 7,806 inhabitants.

The sum total of the 1837 amendments was a distinct step forward however. Prior to then the counties had been represented equally in the House and in the Senate electoral college. The 1837 amendment shifted equal representation of the counties from the House to the Senate and introduced a

⁴⁶ *Id.* at 343.

⁴⁷ Md. Laws of 1836, ch. 197, § 3.

⁴⁸ Md. Laws of 1836, ch. 197, § 9.

⁴⁹ Md. Laws of 1836, ch. 197, § 9.