

weighted population basis for apportionment of the House. The full impact of the weighting formula could not be foreseen however. In 1840, when the weighted basis of representation was first implemented, a delegate from Baltimore City represented more than 7.9 times as many persons as a representative from Caroline County. Within one decade the situation changed materially. By 1850 Caroline County's population had grown by slightly less than 2,000 to a total of 9,692 persons. By contrast, Baltimore County had grown by over 9,000 to 41,592; Frederick County by over 4,000 to 40,987; and Baltimore City by over 66,000 to 169,054. Under the 1837 apportionment formula, however, Caroline County continued with three delegates while Baltimore City was given six delegates, so that a representative from Baltimore City represented 8.7 times as many persons as a delegate from Caroline County. Moreover, the differential growth rates of the counties and of Baltimore City was continuing so that the situation could only be expected to worsen rapidly. In this setting the question of framing a new constitution was put to a popular vote, and approved, in 1850.

THE 1851 CONSTITUTION

With the calling of a constitutional convention in 1850 it was inescapable that it would have to devote serious attention to the apportionment problem. The delegates to the convention from Baltimore City and from the larger counties attempted to have the House of Delegates based on population. Thus Mr. Presstman, from Baltimore City, who favored a strict population basis for both the House of Delegates and the Senate but realized that this was politically impossible at the time, proposed that the House be strictly based on

population with a mixed basis for the Senate.⁵⁰ The debates revealed a strong distrust of Baltimore City and an even stronger disinclination to accord it representation proportional to its population.⁵¹ After all, it was argued, the State had prospered ever since early colonial days even though the counties had had equal representation in the House, and this was visible proof that representation did not need to be based on population at all. Furthermore, Baltimore City was the heart of Maryland so that the continued prosperity of Maryland required the continued prosperity of Baltimore, giving the counties a direct incentive to protect the city's welfare so that the city had no need to look after its own interests. It was also claimed that since Baltimore had economic dominance in the State, the counties should have political dominance as a counterforce. Aside from these practical arguments, the basic idea of representation according to population was attacked for giving insufficient protection to the minority and opening the gates to the tyranny of the majority. Other contentions were not placed on so lofty grounds. Thus the less populous slaveholding counties fought increased representation for Baltimore City for their own self-protection, while the right of Baltimore City to representation was attacked on the grounds that the city was full of immigrants ignorant of democratic practices and inclined toward mob violence. In the end, the proposal to base the House of Delegates strictly on population was defeated.⁵²

The campaign to put representation on the basis of population was not with-

⁵⁰ 1 DEBATES AND PROCEEDINGS OF THE MARYLAND REFORM CONVENTION, 1851, p. 122 (M'Neir's ed. 1851).

⁵¹ *Id.* at 133 ff.

⁵² *Id.* at 118.