

formula. They did not strike at the roots of the problem, the weighted formula for apportionment and particularly the limitation on maximum representation for the counties and the legislative districts in Baltimore City. Thus as the smaller counties gained slowly in population, they were entitled to substantial increases in their representation in the House of Delegates. For instance, between 1940 and 1950 Caroline County's population increased by 685 persons to a total of 18,234, entitling it to three instead of two delegates, a 50 per cent increase in representation. Similarly, a total population increase of less than 25,000 entitled Carroll, Cecil, Charles, and Howard counties to a total of four more delegates while an increase of approximately 440,000 in Baltimore City and Anne Arundel, Baltimore, Montgomery, and Prince George's counties did not entitle them to any increase in the number of their delegates. To prevent such losses in the relative strength of the more populous counties and Baltimore City, a constitutional amendment was adopted in 1950 freezing the House of Delegates in its existing size and apportionment as established under the 1940 census.<sup>73</sup>

The 1950 amendment marked a permanent intensification of the apportionment issue. That same year, pursuant to a constitutional requirement,<sup>74</sup> a popular vote was taken on the question of calling a constitutional convention. Such a convention was approved by a majority of votes cast on the question. It was obvious that any constitutional convention would have to deal with the apportionment problem and that the result would inescapably be a relative decrease in the strength of the rural

counties. As a result the General Assembly refused to enact any legislation providing for election of convention delegates or the setting of a convention date.<sup>75</sup>

In the succeeding years the legislature repeatedly refused to enact any reapportionment measures. Even a relatively mild proposal introduced in 1960 failed to pass either chamber.<sup>76</sup> This proposal would have left the Senate unchanged but would have instituted the following formula for apportionment of the House of Delegates:

Any county, irrespective of population, would have at least 2 delegates.

Any county with 50,000 population would have 3 delegates.

Any county with 75,000 population would have 4 delegates.

Any county with 100,000 population would have 5 delegates.

Any county with 150,000 population would have 6 delegates.

Any county with 200,000 population would have 7 delegates.

Any county with 300,000 population would have 8 delegates.

Any county with 400,000 population would have 9 delegates.

Any county with over 500,000 population would have 10 delegates.

It will be noted immediately that this was again a weighted formula giving a county of 50,000 population three times, proportionately, the representation given a county of 500,000 population. Moreover, the limit on maximum representa-

<sup>73</sup> In the Senate only 1 vote in favor of the necessary implementing measure was cast except for Baltimore City and the three largest counties. MD. S. JOUR. 500 (1951). In the House there were only 7 such votes. MD. H. DEL. JOUR. 233 (1951).

<sup>76</sup> MD. S. JOUR. 220 (1960); MD. H. DEL. JOUR. 282 (1960).

<sup>73</sup> MD. CONST. art. III, § 5 (1950).

<sup>74</sup> MD. CONST. art. XIV, § 2 (1950).