

difference in their representation. It is at least indisputable that the members of the Lower House were not returned by each of the two counties then composing the greater part of the Province, but by lesser and arbitrary divisions, known as hundreds, and borrowed from the ancient police regulations of England.

In 1658, when Fendall was Governor, the Lower House, with the connivance of that officer, denied the authority of the Upper House, to sit as a separate body; and invited it to join with them in the composition of a General Assembly. The council refused, but Fendall accepting the offer, the Upper House was dissolved, and the business of legislation was conducted by the Lower House sitting alone. This state of things lasted until the surrender of the colony by the parliamentary commissioners, and then the old usage of the Upper and Lower Houses was revived.

In 1658, the right of appearing in person, or by proxy, wholly ceased. (McMahon's Maryland, p. 147.) The undersigned are not able to say at what precise period the hundreds of the two counties, and that part of the province then called Providence, ceased to send their delegates to the Lower House. It appears that the assembly convened in 1650 was formed upon the old basis. From 1658, however, until 1681, it seems that delegates were elected by each county, and the number to be chosen by each was regulated by the warrant of the Executive. During this period, however, it appears that the counties were authorised to send two, three, or four delegates. In 1681, the number of delegates was reduced to two for each county; and a general rule as to their qualification, and the manner of electing them, was prescribed. (McMahon's Maryland, p. 147.) The constitution of the lower house remained as thus established until 1689, when the province fell under the administration of the crown.

Laws were passed in 1692, 1704, 1708, and 1715, settling the organization of the lower house; but they are all contained and amplified, the undersigned believe, in the law of 1716, ch. xi. By this enactment, each county in the province was authorised to elect four delegates to the lower house. At this time, Saint Mary's, Kent, Anne Arundel, Calvert, Charles, Baltimore, Talbot, Somerset, Dorchester, Cecil, Prince George's, and Queen Anne's counties were in existence. Provision was also made, in the eighth section of the same act, that counties, to be thereafter created, should be entitled to four delegates each, and that the cities, or boroughs, should each have two delegates. By which it will appear that the lower house, as then constituted, was not regarded as the representative of the counties, as corporate existences, so to speak, but of the people chancing to be included within those local divisions, since the cities and boroughs within them were to have their separate delegates in the General Assembly. It more clearly appears, from the language of the second section of the act of 1716, that the provision of delegates from the counties was regarded not as their separate right, but only as a convenient mode of distribution. It was there recommended, that the safest rule to