

have been more owing to natural causes, than perhaps to any design to depart from them.

In 1776 when the first Constitution was formed, each county was entitled to four delegates to the General Assembly, and the cities of Baltimore and Annapolis were entitled to two delegates, but it was also provided; that, if the city of Baltimore should ever decline in population below half the population of the smallest county in the State, then she should lose the two delegates—when first in the legislature of this State, I found this good old antique city rejoicing in two members of the House of Delegates; and without disregard to her venerable dignity, I did my best to place her in a respectable position in the county and yielded up what was so absurd. No such provision was made in relation to Annapolis, for the framers of the Constitution never deemed that Baltimore would outstrip Annapolis in population. The large western counties at that time had most of their fertile lands, covered by dense and primitive forests. The changes which commerce, agricultural economy, the laws of trade and the laws of nature would produce upon population—how to consolidate—how to sparsely diversify it—were not seen—could not be justly foreknown.

These causes and their effect upon fair and equal representative government, were far better understood by the framers of the federal Constitution. They placed that elastic, that contracting or expanding feature in their Constitution, which required the national census to be taken every ten years, and made it the duty of Congress to re-apportion representation in the popular house according to federal numbers, giving to or taking from a State, as its population would increase or diminish.

There was unfortunately no such clause in the Constitution of Maryland.

But he would go further back into the history of the State, and read a clause from the seventh article of the original charter of Maryland, granted by Charles the First to Lord Baltimore, in the eighth year of his reign.

#### CHARTER OF MARYLAND.

“VII. And forasmuch as we have above made and ordained the aforesaid, now Baron of Baltimore, the true Lord and proprietor of the whole province aforesaid. Know ye, therefore, further, that we, for us, our heirs and successors, do grant unto the said, now Baron, and to his heirs, for the good and happy government of the said province, free and absolute power, by the tenor of these presents, to ordain, make, and enact laws, of what kind soever, according to their sound discretions, whether relating to the public state of the said province, or the private utility of individuals, of and with the advice, assent or approbation of the freemen of the same province, or the greater part of them, or of their delegates or deputies, whom we will, shall be called together for the framing of laws, when, and as often as need shall require.”

Here the fundamental republican principle is

laid down, that the majority of freemen should make laws, each freeman equal, and that a majority make laws to govern the whole.

And this right, this power, they did exercise for a series of years, presenting a perfect type of a republican democracy.

But as the colony began to spread, it was found to be inconvenient, and it was thought wise that the freemen should appoint representatives, or such of them as should choose to do so.

Accordingly, (as I find in Bacon's abridgment of the laws of Maryland,) the following law was passed:

“At a General Assembly, begun and held at the Fort of St. Mary's, on the 25th day February, 1638, and the same day removed to St. John's, and there continued till the 19th day of March, were enacted the following laws :

#### Chapter 1st—Passed 25th February, 1638.

“An act for establishing the *House of Assembly*, and the laws to be made therein. C. O. fol. 128 and Lib. C. and W. H. folio 61.

“N. B.—By this act, the several persons elected and returned, (pursuant to the writs issued,) shall be called burgesses, and *supply the place of all the freemen consenting to such election*, in the same manner, and to all the same intents and purposes, as the burgesses in any borough in England, use to supply the place of the inhabitants of their respective boroughs; and that the gentlemen summoned by his lordship's special writ, to each of the directed, the said burgesses, and such other freemen who have not consented to any of the elections as aforesaid, as shall be at any time assembled, or any twelve or more of them, (whereof the Lieutenant General and Secretary to be always two,) shall be called the House of Assembly. And all acts, &c., assented unto and approved by the said House, or major part thereof, and afterwards assented unto by the Lieutenant General, in the name of the Lord Proprietary, shall be adjudged and established for laws, to the same force, &c., as if his Lordship and all the freemen of this Province were personally present, and did assent, &c.”

“The following bill was twice read in this Assembly, and engrossed, but never read the third time, nor passed the House:

“An act what persons shall be called to every General Assembly, by this act, (which was intended to be perpetual,) every member of the council, and any other gentleman of able judgment and quality, summoned by his Lordship's writ, and the Lord of every manor within the province, together with one, two or more able and sufficient men, (as the freemen should think good,) elected for each hundred, in pursuance of writs issued for calling any General Assembly, and no other should have a voice, seat and place in such General Assembly.

“And every act therein made by persons so called, elected, &c., or the majority of them, and assented to by the Lord Proprietary, &c., or his Lieutenant General thereunto authorized by special warrant from his Lordship, &c., to be of as good force, &c., as if his Lordship and all the