

that there are four branches of legislature in Maryland, and three of them in the Proprietor, than that the legislature in Virginia, or the other colonies abovementioned, consists of four branches, and the King has three of them: but suppose as many negatives in the legislature of Maryland; yet, if no act can be made (which is the case) by provincial authority, without the consent of the people's delegates, their liberties and properties would be as well secured, as if the legislature consisted of only the Proprietor and house of delegates; for it cannot be supposed, that an Upper House of Assembly, however dependent, would go greater lengths to serve the Proprietor at the people's expence, than he would go to serve himself. The existence then of such a middle branch, consisting of gentlemen bound by every tie to promote the happiness and true interest of the Province, cannot be any disadvantage to it; but contrarywise, such gentlemen, by their knowledge and experience in public business, are most likely, able, and ready to defend and support their right, and to oppose any wicked measures of an oppressive governor on one hand, and to check the violence of a levelling, popular assembly, or tyranny of a few demagogues on the other, or to prevent the evil consequences of a collusion between a corrupt governor, and a few leading men in the Lower House. An Upper House can be, and indeed in such cases has, more than once, proved a very necessary and useful branch of the legislature, and prevented one part of the inhabitants being sacrificed, as it were, to the humour and caprice of the other.

Contemporary Printed Pamphlet Md.Hist.Soc.

p. 10

Query 6th. It has been alledged by the gentlemen of the Upper House, that most of the colonies in America are constituted upon a similiar plan with this Province, by a middle branch appointed in like manner. To prove the similarity, is it not incumbent on those gentlemen to shew this to be the case in any charter government? Will such an appointment by the King prove the similarity? and is there no difference betwixt such a power vested in the King and in a subject? Can this be asserted without irreverence to Majesty, and an affront to truth? Does it follow, that because the King is the father of his people, and can have no interest distinct from theirs, a subject stands in the same relation to them, and will not prosecute claims of his own private emolument, subversive of their rights, and invasive of their property? With what decency then can it be asserted, that because the King exercises such a power in some of the Provinces, that Maryland is circumstanced in this respect like those colonies?

p. 11

Answer. The legislature in most of the British colonies consists of three branches; and in all of them where there are three, the middle branch, at least, is as dependent as that of Maryland; which being really the case, it cannot surely be denied, that there is such a similarity between them as the Upper House alledged: though

p. 12