

Contemporary Printed Pamphlet Md.Hist.Soc. p. 126

are coeval, would be just as true as it is in their Honours message." —Is this fair or true reasoning? What do the words of the Charter say, about enacting laws, and the good and happy government of that Province? "We will that the said Lord Baltimore and his heirs, shall assemble in such and such form as to them shall seem meet."

Wherefore, whether Lord Baltimore did establish the Upper House or not, as part of the legislature, (which is not well to be supposed but that he did, or at least gave his consent to) the Upper House wants no act whatsoever to established its power coequal with the Lower House. It is so by prescription [in law.] The right and title to which is grounded upon a long and continued possession, confirmed by the Proprietors, and having from time to time co-operated together in the administration of the Government. I have seen a copy of a money-act of the Maryland Assembly, enacted in 1650 viz. "Be it therefore enacted by the Lord-Proprietor, by the advice and assent of the Upper and Lower Houses of the present Assembly," William Stone, Governor.—This act is of 114 years standing—A length of time which renders the right of possession uncontrovertible, and should make the author of the words yesterday, or to-day, page the 55th [p. 400] blush (if he has any shame) at his being so openly convicted of such a notorious falsehood. As to his saying, "Had the legislature consisted only of two branches, to wit, the Proprietor or his Deputy, and the Delegates of the people:." What then? The Deputy would have had a power to dissent to any acts he thought proper. The means for the redress would be the same then as now. If the Delegates thought the Deputy wrong, they might apply to the Proprietor in person; if unsatisfied by him, they might appeal to the King himself for redress.

The Remarker says above, "The Upper and Lower Houses, say their Honours (the Upper) are coeval, this is nothing but play upon the words Upper and Lower, which being relative terms, and mutually implying each other, can neither of them exist independently of the other."—The words Upper and Lower, without any equivocation or play upon the sound, must bear this import, that as it is impossible for one to be before the other, so it necessarily and logically follows, that they are coequal in all parts of legislative power, of which both Houses are constitutionally possessed. See more in my answer to the Querist, No. 1, 2, 3.

He goes on (page 45 to 47.) [pp. 395-396] "If it be true then, that the Upper House derive their existence from the Proprietary appointment, that their continuance in that capacity depends on his will and pleasure, and that all, or a very great majority of them, hold very lucrative employments under him, I think, without descending to a particular recital of their conduct, it must follow, not that they are the guardians of the people's rights, but that they are as dependent upon the Proprietor, as the love of power, or the motive of