

to fill a long Message with reflections upon the Subject of Using the word Obstinate, which we think however to have been very properly applied to the Substance of Your message wherein you tell us that a Support was Evidently rais'd for us, yet Confess in the same Message As also in the Message of October the 25th 1723 that we cannot possibly come at it

U. H. J.
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Signed p order Geo Plater Cl Up Ho.

Which was sent down by Benjamin Tasker Esq^r who says he Delivered it

On reading the Message Yesterday by M^r Kirk and M^r Walter Smith the following Answer was prepared viz.

By the Upper House of Assembly Nov^r the 3^d 1725
Gentlemen.

Whether our Message of November the 2^d concerning the Bill relating to Imprisoned Servants be foreign to the Subject under Consideration betwixt us or not, we shall not at this time enter into any further debates with you, but if you believe us to be of Opinion that Servants in this Province tho Suspected of some misdemeanors are not in prudence and discretion to be lookt upon as persons of ill fame within the meaning of the Statutes and to be proceeded against Accordingly, you are in the right for we are so; and that for the following reasons, first persons of ill fame in generall are such who are at their own Disposall and have no place of residence nor can give a good Account how they subsist; against those the Laws do well provide, but Servants here are not such, for they have a being and are not at their own disposing but are the property of their Masters, and if Masters should be Obliged to give Security for the Behaviour of their Servants no man would be secure of his Property in such Servants, for either through the Inclination of the Servant to Change his master; or the designs of an ill neighbour or the resentments of a prejudiced Magistrate (for such there may be) they might be taken up as persons of ill fame; and then the Master must change Circumstances with his Servant or lose him, for if he becomes bound for his good behaviour he must not disoblige him, and if he does not the Consequence is Obvious

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Secondly Persons of ill Fame in particular are such as have Committed some Crime for which they may be prosecuted; and in this Case Servants are not Exempt but may be Imprisoned Prosecuted Convicted and punished and in such Cases we have an Act of Assembly that particularly provides for their Enlargement and sure it is worthy our Consideration that that Act has so great a regard to the property of the