

London for the Service of this Province and will not pass—sent by John Ridout Esq.^r along with the following Message Viz.^t

U. H. J.
Liber No. 36
Dec. 16

By the Upper House of Assembly Decem.^r 16.th 1765

Gentlemen.

We should very willingly concur with you in the Enaction of a Law for the Appointment of an Agent, at the general Expence, upon Terms agreeable to Equity, and Consistent with the Principles of our Constitution, but we do not conceive, that the Bill we have returned with a Negative is entitled to that Character.

According to our System of Laws, there is a co-ordinate Qualification of the Electors and their Delegates, & this, in respect of Property, being appropriated to no Species, and requiring but a very moderate Share. There are but few Freemen excluded from the Capacity of electing or being elected; but tho this Right is so diffusive in this View, other Considerations arising from the Frame of our Constitution, and the Fitness in preserving an Analogy between this, and the Constitution of England have restricted it, and therefore the Members of the Upper House, composing a distinct Order, and in that having a Check upon the Lower in the Introduction of all new and general Regulations, are disabled from electing, or being elected the Delegates of the People, but since their Consent is requisite to give Life and Vigour to all general Regulations, this their Disability is no more productive of Insecurity to their political Rights or private Properties, than the Exclusion of the Delegates of the People from sitting in the Upper House is repugnant to theirs. Each Order is, in this Respect, politically divided from the other, each has a Power to Controul and check the other, and in this a Barrier, not only to defend itself, is furnished to each, as a Political Body, but also an equal Opportunity of consulting and providing for the general Interest and Welfare of the Province, in which the Members of the Two Houses, as Individuals of the same Society, are equally concerned.

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It would, without Doubt, be expected that the Agent should deem it to be his Duty to observe the Directions of his Principals, & that they would give him his Dismission should he venture to act by the Guidance of any other Rule; It would, too, be expected, or the Expence of his Support had better been spared that in Consequence of the Appointment of an Agent, some Measures or Regulations of general Concernment to the Province reaching all Individuals without Distinction, would take Place, and that the beneficial or disadvantageous Effects of these Measures or Regulations would depend upon their Wisdom and Prudence who should plan or direct them. In the Wisdom and Prudence of your House your Electors have reposed great Confidence, but they alone would not be involved in the Consequence of your Measures, which must equally extend to us who are