

who is willing to pay the same provided she can safely pay it, which she is apprehensive she can't, because the Judgment is in the Name of the Lord Proprietary Lib. C. B.

The Administratrix of M^r Lloyd being desirous to avoid the least Appearance of opposing his Lordships Interest humbly prays the Opinion or Declaration of his Excellency the Governor in Council that in Regard his Lordship is not personally interested in the said Bond or the Recovery had thereon, she may be at Liberty to proceed at Law for the Recovery thereof without the Imputation of endeavouring to divest his Lordship of anything he has a Right to or opposing his Interest for the Reasons following

1st Because Knowles's Bond is properly an Office Bond & by the constant Usage of the Province sueable at the Instance of any Person apparently injured by the Breach of the Condition thereof his Lordship being in the Nature of a Publick Trustee only so far as he is not personally interested

2^d That the Bond appears by the Condition of it, to have been taken more particularly to secure the Payment of the Tenths due to the Secretary than for any other Purpose, and for which Tenths the Secretary could not even in the Life Time of Kowles have had any other Remedy but by suing this Bond whereas any other Person injured by him (Knowles) might have brought his Action for Reparation p. 13

3^d That M^r Lloyd appears judicially by suing the Bond & recovering Judgment thereon to have been injured by the Nonperformance of the Condition of it, and as the Bond appears plainly to have been taken more particularly for M^r Lloyds Benefit and Security than any Bodys else, that he was at the Expence of commencing an Action, and recovering Judgment so 'tis humbly hoped his Administratrix shall be at Liberty to take a legal Course for recovering the Money without any Imputation of contending with the R^t Hoⁿble the Lord Proprietary.

It not appearing to this Board that the Right hoⁿble the Lord Proprietary is personally interested in the said Bond or the Recovery had thereon; It is therefore the Opinion of this Board that the Administratrix be at Liberty to take a legal Course for the Recovery of the Penalty mentioned therein.

Whereas it is represented to this Board that on Executions or Condemnations for Money several Sheriffs of this Province have charged their Fees in Tobacco at One Penny p pound for the Money executed for or condemned which is a great hardship upon the People; for Reformation whereof It is this Day ordered that for the future no Sheriff shall presume to