

think fit to depute for that Purpose, hath the Disposal of those several Articles, yet we contend, that Power in it's nature is but restrained, and that he is not at Liberty to put them into his own Pocket, nor to dispose of them otherwise than for the Ease and Welfare of that People for whose Benefit and Protection that Trust is raised: And we are in some Measure supported in this Opinion, by that Distinction taken by your Excellency, between the Fines and Forfeitures at the Common Law, which you say "are as much his Lordship's Right as any Thing else can possibly be," and those appropriated by Acts of Assembly to the support of Government; whereby you seem to intimate, that these latter are not "as much his Lordship's Right as any Thing else can possibly be"; but that they are levied by virtue of those Acts of Assembly for the Support of Government, and are therefore in Trust for that particular Use, and as such ought to be accounted for. Nor can we imagine that the Fines and Forfeitures at the Common Law are more his Lordship's Right than the others; for they are both levied on the People, and are paid to him or his Officers, as he is Governor of this Province, and in that Publick Capacity only; and if the Time should come when he shall be divested of this Government, there is little Doubt but that both Kinds of Fines and Forfeitures will consequentially follow, and be vested in, his Successor, in the same Capacity, and in Trust for the same Uses and Purposes, as now they are in him.

And altho' your Excellency is pleased to say that if the Agents and Officers who have received those Fines and Forfeitures have accounted for them to the Lord Proprietary (which you say you take for granted) they have done their Duty, yet we must beg leave to differ from your Excellency: For besides that we cannot take it for granted, that they have accounted for them in that manner, if by "accounting for them to the Lord Proprietary" your Excellency means they have paid them to him; we must further humbly contend, that tho' they have done so, yet have they not done their Duty: For if those Fines and Forfeitures be a Part of the publick Treasure of this Province, as we humbly conceive they are, we think they are not to be paid to any Person out of it, but are to be retained in it, to supply the Calls and Occasions of this Government; and thereby to prevent as well the necessity, as far as they would extend, of loading and oppressing the People here with Taxes to supply such Occasions; as that of this House to go beyond the Limits of this Province, for an Account of Money, or other Thing, actually raised and levied within it for the Use of the Publick: And this we apprehend was their Duty to have known, and to have acted accordingly.

But whether these Fines and Forfeitures have been already accounted for to the Lord Proprietary, or not; we hope it does not put it out of the Power of those Officers, nor prevent your Inclination to order them to lay Copies of those Accounts before us: And altho' your Excellency should not be able, from the Death of several of the