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Law directs, and accords with the Advantage of the State. As we do not mean to contravert what can, with Propriety, be admitted, we shall assent to the Position, that where a Department is committed to a particular Person, such Person is responsible for the proper Management of it; but under this Limitation; if he is a subordinate Officer, and subject to the Controul of others, and is directed by them, in all such Cases of Direction, they are answerable, and no Blame can be imputed to him. That Part of the Act which prescribes the Duty of the Intendant, directs him to consult and advise with the Governor and Council, on the State and Management of the Revenue, public Monies and Tobacco, and the Demands and Debts of Government. But you say, Consultation and Advice impart receiving Information, and cannot imply receiving Commands. We presume that whenever an inferior Officer is required to consult the superior, Consult does not impart receiving Information, but that he is to receive Directions, because it would be preposterous, and in this Instance, degrading to the Executive, to make it the Duty of the Intendant to report to them in Cases of Doubt and Difficulty, and leave him at Liberty to pursue the Dictates of his own Judgement.

That the Assembly were sensible of this when they created your Office, we have not a Doubt, and we are equally convinced that it was far from their Intentions to make you the very Independent Officer, you want to make yourself. Had they thought it expedient that you should stand on other Ground, with Respect to the Executive, than other Officers of Government, they would have declared as much, in Terms not to be misunderstood; their Silence on the Subject, affords a Presumption very different from your Construction, for they well knew that any Expressions giving us the Controul we contend for over you, would have been superfluous. Besides, there is a Principle which pervades every Part of the Constitution, and the Laws made since the Revolution, have adopted the Idea, that a Variety of Checks is necessary to ensure the due Execution of the Laws; to this Principle you are indebted for many of your Powers, and this Principle would not have permitted the Legislature to exempt you from Controul, had they even been inclined to violate the Constitution and confer Powers on you as transcendent as your merit.

But it seems the Intendant cannot be controuled, because the Office would become an useless Burthen on the People. To prove this, you must shew that a Man cannot act right, if his Power of doing wrong is limited. Whether the Weight of Taxes has been unnecessarily augmented by the Creation of your Office, depends on the Execution of it. To convince the People of the Contrary, it will be incumbent on you to shew that the Specifics have been better managed, produced more, and the Revenue more judiciously and advantageously applied than when under the Management of the Executive, whose Incom-

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