

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 public 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 public 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 Public: And this we apprehend was their Duty to have known, and to have acted accordingly.

But whether those 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 Officers who have received those Fines and Forfeitures since the Year 1715, and your Unacquaintance with their Executors or Administrators, to comply with the Whole of our Request; yet, as several of those Officers are now living, we are not without Hopes your Excellency will choose to gratify us in such Part of our Request as lies within your Power, rather than, from an Inability to comply with the Whole, refuse to us every Part.

And as your Excellency is pleased to say, that the same Reasons touching the Fines and Forfeitures, will reach the Amerciaments in the Provincial Court, and that therefore you need not add any Thing more relating to them; we humbly apprehend, that they being within the like general Reasons with the Fines and Forfeitures, we are equally entituled to an Account of them; and as they are to be applied by the Governor and Council, no doubt but the Council-Books do contain the Accounts of them and their Application, Copies whereof may be laid before us.

Being Read, and Assented to, was Ordered, on Behalf of the House, to be Signed by the honourable Speaker.

Mr. *Pemberton*, and Mr. *Bond*, Ordered to acquaint his Excellency, that this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it: They return, and acquaint Mr. Speaker, he will receive it immediately in the Conference-Chamber.

Mr. *Harris*, and Mr. *Barnes*, sent to present the Address: They return and acquaint Mr. Speaker, they have presented it.

Maj. *Hall*, from the Committee of Laws, brings in a Bill for issuing Writs of Replevin out of the County Courts of this Province; which was Read the First Time, and Ordered to lie on the Table.

Mr. *Wootton* hath Leave of the House to be Absent To-morrow.

The House taking into Consideration the Governor's Message in relation to his Lordship's Quit-Rents,

Resolved, That this House will Address his Excellency on the Subject Matter of the said Message. And,

Ordered, That the Committee of Laws prepare and bring in an Address accordingly.

*The House adjourns 'til To-morrow Morning at 9 of the Clock.*