

By a Paragraph in an Act made at Newcastle on Delaware. It is Enacted That if any person &c shall forge any Bills of Credit and be thereof Legally convicted shall be set on the Pillory &c And Moreover shall forfeit the Sum of One hundred pounds current money of America to be Levy'd of the Lands & Tenements Goods and Chattles of the Offender The One halfe thereof to the Use of The Government the other halfe to the Discoverer

Quer

To whom the moiety appointed to the Use of the Government ought to be paid?

The Construction of Acts of Parliament and of Testaments is to be made according to the Intention of their makers But such Intent must be collected from the words contained in the Acts &c

The Term Government in its General Import signifies Rule or Dominion or in a more particular Sense the form or Mode of Governing whether Monarchical Aristocratical &c

In all Grants it is necessary that the Parties be capable, The one of making such a Grant and the other of Receiving and holding the thing Granted

The powers of Governmt have undoubtedly a capacity to raise & Grant money &c But who is capable of receiving and holding is the Question in this case. The Government in the general Acceptation of the Term as above, is not a person capable as a Corporation sole or Aggregate of many

But the formal or Constituent part of the Government of the Counties is Vested in the Govern<sup>r</sup> & Assembly or Representatives of the People

The Assembly as the Term Gov<sup>r</sup> is not capable of holding or receiving & for the same reason is Because no Body corporate &c

But the Govern<sup>r</sup> is the Head, general, & principal Adm<sup>r</sup> of Justice in the Government, and is a person Capable of holding and Receiving, and being necessary Constituent part of the Governmt in whom a great confidence is reposed and the supporting of that part must in reason & Justice be construed to be the Intent of the Legislators and the Words of the said Act of Assembly

Therefore I am of Opinion the Moiety of the Fine granted to the Use of the Government ought to be paid to the Govern<sup>r</sup> for the time being



Case & Opinion in  
Law of the Lower County's  
Tine to the use of the  
Government. —

For Gov. Thomas  
1739.

John Ross half-brother  
Geo. Ross (the Signer) & a  
brilliant attorney. He was  
Alexander Hamilton's chief rival  
in the courts in the mid-18<sup>th</sup> Cent.  
Friend of Franklin & an early  
member of the APS.  
He married Anne (Parker) - Burdett