

“ vince, any Fines, Penalties, or Forfeitures, are made payable to, or recoverable by, the King’s Majesty, or in his Name, to any the Uses in the same Laws expressed, all such Fines, Forfeitures, or Penalties, shall henceforward be payable to the Right Honourable the Lord Proprietary of this Province, his Heirs and Successors, and be recoverable by him or them, or in his or their Name, to the same Uses as by those Laws are expressed :” From whence your Committee infer, that the Lord Proprietary was not, at that Time, looked upon as Successor to the Crown in the Government of this Province, so as to intitle him to recover Fines and Forfeitures limited to his Majesty, his Heirs and Successors, without the Aid of a particular Act of Assembly. By the Act of Assembly made in the Year 1722, Amerciaments are imposed on the Suitors both in the Provincial and County Courts ; for their false Clamour in the County Courts. They are levied by the Justices, annually, for the Use of the Counties ; those arising in the Provincial Court, are to be applied as the Governor and Council shall direct ; and have been received, by the Officers of the Lord Proprietary, from Time to Time, as they became due, and at sometimes have been given to the Clerk of the Council ; but, how disposed of at present, your Committee do not know.

Your Committee beg Leave to observe, that in the Year 1745, an Address was presented to the Governor, by the then Lower House, desiring an Account to be laid before them of all Fines, Forfeitures, and Amerciaments, that had arisen and been paid ; and how and to what Uses applied, in Support of this Government, from the Year 1715 to that Time : And in the Course of Messages and Addresses on that Subject, the Lower House do plainly assert, That Fines and Forfeitures by the Common Law, and by Acts of Assembly, levied on the People, are taken by his Lordship, or his Officers, under the Authority lodged in him as Governor, and having the Executive Power of the Laws of this Province ; and, as such, that he, or his Officers for him, were authorized to receive and take those several Articles in Trust, and for the Benefit only of that People among whom they were levied ; and, that altho’ his Lordship, as Governor, or those he should think fit to depute for that Purpose, had the Disposál of those several Articles ; yet, ’twas contended, that Power in its Nature was but restrained, and that he was 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 was raised : To which *Thomas Bladen*, Esq; at that Time Governor, was pleased, amongst other Things, to answer, “ That, as to the Common Law Fines, the Proprietary of this Province has the same Right to them, as the King to the Common Law Fines, &c. in the Courts of *Westminster-Hall*, and Lords of Manors, and other Seigniories to those arising in their Courts, Manors, and Seigniories : Those Fines, &c. were always reckoned as much a Part of the King’s Revenue, unaccountable to Parliament, as his Demesnes, and the Fines, &c. due to the several Lords, received by them as Part of their Estates, by the same Right as their Rents, and with which their Tenants have nothing to do ; such Fines, &c. due to the King, are amongst his Casual Revenue next to his *Firmæ Majores & Minores*, and stiled in the Law *Debita Atterminata*, and so called because Terms or Times of Payment were assigned by his Writ, and these Payments were on large Fines set and Amerciaments offered *secundum Qualitatem delicti & Quantitatem contentimenti*. I mentioned so much of this Part of the Law, that those Gentlemen in your House who make the Law their Study, may consult their Books, which will certainly inform them of the Truth of what I now say, by which Means they may satisfy themselves and you, that what is urged by your Address of the Common Law Fines, &c. being received by the Proprietary in Trust, for and to the Use of the People, has no Foundation in Law or Reason ; but, that the King has an absolute, uncontrollable Title to this Branch of his Casual Revenue, the Proprietary of this Province to the Common Law, &c. or any other unappropriated Fines here, and Lords of Manors in *England* to those in their Courts, and in their Manors, and may dispose of them with as much Liberty, as any Person in the World can his own private Fortune, and Estate ; nor can your Supposition, of the Proprietary being divested of the Government, alter the Case, for it would be no otherwise than if the Lord of a Manor, or Possessor of an Estate, should alienate, or be deprived of that Estate, the Rents, Privileges, and Emoluments of that Manor and Estate, would be vested in the next Possessor ; but, surely, that Change would not give a Right in those Rents, Privileges, or Emoluments, to any other Person than to such Possessor ; for, altho’ the King is intitled to the Common Law Fines *Ratione Coronæ*, the Proprietary *Ratione Domini*, the Lords of Manors *Ratione Manerii*, and private Persons to their Rents by Reason of their Estates ; yet none of those Considerations make them accountable, either to Parliament, People, Tenants, or any other Person, for what they so receive for those Fines accruing by Breaches of the King’s Peace, and Violation of his Laws, where they are not particularly appropriated by positive Laws, must, in the Nature of them, belong solely to his Majesty, who is reckoned in the Eye of the Law to be solely injured by such Transgression.”

Your Committee, having enquired into the Nature, Original Institution, and Establishment of the Revenues of the Crown, as well arising from the Demesne Lands, as what is here called the Casual Revenue, are of Opinion, That, from the Principles of the *English* Constitution, they