

L. H. J. Friendship with us; and we hope we shall stand excused from entering further into this matter at present.
Liber No. 46

Being read and assented to, was ordered, on Behalf of the House, to be signed by the Honourable Speaker.

William Stoughton Esq^{re} and M^r Mackall 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 M^r Speaker his Excellency will receive it immediately in the Conference Chamber.

The same Gentlemen sent to present the Address: They return and acquaint M^r Speaker they have presented it.

M^r Speaker communicates to the House the following Message from the Governor, viz.

Gentlemen of the Lower House of Assembly.

In my Answer to your former Address on the Subject of Fines &^{ca} I distinguish those which arose at Common Law from such as were given by our Acts of Assembly, in a manner, that I did not doubt but the Members of your House who profess the Law would have satisfied you as to the Legality of what I said in the first, and the several Acts of Assembly would have convinced you as to the other: But I think you have run into Reasonings very foreign to both Points, and therefore I must be somewhat more particular, to inforce what I before mentioned to you; but as I pretend to very little Learning in the Law, I shall speak a good deal from the Information I have received from such Gentlemen here as are allowed to be best acquainted with that Study.
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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 &^a in the Courts of Westminster Hall, and Lords of Manors and other Seigniories to those arising in their Courts, Manors, and Seigniories: Those Fines &^{ca} were always reckoned as much a Part of the King's Revenue unaccountable to Parliament, as his Demesues; and the Fines &^a 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 &^a due to the King, are amongst his casual Revenue next to his Firma Majores et Minores, and stiled in the Law *Debita atterminata*, and so called because Terms or Times of Payment were assigned by his Writs, and these Payments were on large Fines set, and Amerciaments affeered *secundum Qualitatem Delicti et Quantitatem Contenementi*: I mention 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 &^a being received by the Proprietary in Trust for, and to the use of the People, has no