

Lib. J. R. Serjeants Inn and that before that time in the Case of Sir
& U. S. Giles Mompesson and Francis Michel in the 19th Jac: the Prin-
ciple on which the Right to these Licences is Claimed was
effectually Condemned. Hume's Hist: of Jac. p: 75. Rush:
Coll: 26, 27 & 28 and Parliam^{ty} Hist: 5th Vol:

We find that there have been various temporary Acts of Assembly of this Province from time to time which have been passed for the regulation of Inns or Ordinaries, and that the Money arising from granting of Licences hath been applied to various uses, and that there have been intervals between the Expiration of some of the temporary Acts, and the enacting of others in which Inns or Ordinaries have been subject to no Regulation, and that since the year 1763 when the last Act for their Regulation expired the Business or Trade of Inn keeping has been Subject to no other Control, than that of the Common Law, which gives a Power to suppress an Inn upon its becoming a Common Nuisance. There are some Instances in the early times of this Province particularly in the year 1664. when the Governor granted Licences, and this Power seems to have been admitted in the year 1674. by the Lower House in a Message on that Subject but we conceive that inasmuch as no Act of Assembly vested the Right in his Lordship, or his Government, that the above Instances and the admission to be inferred from a Message, are not a sufficient foundation to build his Lordship's Claim upon, and that as Our Acts of Assembly are Silent on the matter, his Lordship's Title must Depend upon the Charter, which We conceive cannot be Construed to give him higher Prerogatives than belonged to the Crown by the Common Law.

The Instances alluded to we apprehend have still the less weight when opposed by the very numerous temporary Acts of Assembly regulating Inns or Ordinaries, and applying the Revenue arising from Licences to various purposes and by the non-user in the intervals between several Acts.

Lastly we conceive that if his Lordship is Entitled to the Licences, there must be some legal remedy to enable him to Compell Innholders or Ordinary keepers to obtain Licences but we do not know of any such Remedy nor have we heard any Suggested.

Rob^t Jenckins Henry
Daniel Dulany
Cha^s Goldsborough
Henry Hooper.

The above report being read, the Board do unanimously Concur therewith, and Ordered, that an Address Communi-