

U. H. J.  
Liber No. 35  
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his Excellency in whom they said the Sole Power of Granting Licences was, to desire his Excellencys Pleasure if that house should draw an Act that no Person in this Province should have a Licence to keep Ordinary for the future but that he should give Bond to his Excellency with good Sureties that he should Provide such a Number of Beds &c. and keep good Rules and Orders &c. and presented the same to his Excellency accordingly and that his Excellency having Considered the Message from the said Lower house did assure them that for the future no Licences should be granted to any Person within this Province to keep Ordinary But Care should be taken that the Conditions and Restrictions desired by that house in their said Message should be inserted in each Recognizance to be given by each respective Ordinary keeper upon taking his Licence &c. From these Instances Gentlemen and many other which for Brevity Sake we omitt to insert, We Say that it appears to Us that this Prerogative was insisted upon and exercised by the then Lord Proprietor, acknowledged to be his Right by the Lower house of Assembly and acquiesced in by the People near a hundred years ago. If the then Lord Proprietor had such a Prerogative it is not amiss to Consider whether any Act has been done or could be done Since to divest the Present Lord Proprietor of the same Prerogative and this Leads us to observe that in order to Shew that his Lordships Prerogative is not in the least Degree infringed by your appropriating the fines arising upon Ordinary Licences you Refer us to the Acts of Assembly made in the year 1717 where the late Lord Proprietary you say accepted of the Fines arising upon Ordinary Licences as a Grant from the People and that with Expressions Strongly Insisting that such Application cannot be made without the Assent of the Representatives of the People in a Law, to which we Answer that if the late Lord Proprietor out of his great Condescension to the Importunities of the People thought proper to Pass such an Act he did not thereby part with his Prerogative neither can his Passing that act be construed so as to divest him of his Prerogative but rather a suspension of the Exercise of it, and we insist that if the Present Lord Proprietors Ancestors had passed or assented to Twenty Acts of the same kind such assent cannot divest him of the Right he has in Virtues of his Prerogative here as Lord and Proprietor of the Province and which is devolved upon him by Inheritance under the Royal Charter Granted to his Noble Ancestors, and that this Prerogative Remains in the same Plight and Condition as it would have been in, if such Act or Acts had not been assented to and is not in the least weakened and infringed thereby

We readily agree with you that there is not the least Occasion for Entering into Disputes upon Matters which are so very obvious, and we must confess We are at a loss to find any good Reason why his Lordship should at this or any other time give up his Prerogative