

And yet at *Lent Assizes, Anno Dom. 1621.* Sir *James Ley* delivered in his Charge; That Inns were Hosteries by the Common Law, and that every man might erect and keep an Inn or an Hostery, so as they were *probi homines*, men of good conversation, fame and report, dwelling in meet places: but yet that they were not worthy of any allowance or Licence under the Kings Great Seal, &c.

And he delivered farther in his said Charge, That if such Inns or Hosteries be used *ad nocumentum populi Domini Regis, &c. sc.* do keep any disorderly house contrary to the Law, or be more in number than are needful, and to the hindrance of other ancient and well governed Inns; that then they may be thereof indicted at the Assizes, or Sessions of the Peace, and there may be either fined or suppressed. And Sir *James Ley* told me after at his Lodging in *Trinity Colledge*, That this was the Opinion of all the other Judges, upon late Conference had among themselves.

But such Inns or Hosteries, if they shall be inconvenient or disordered, in respect either of the Inn-keeper, or of the resort thither, or that the place be unmeet, they are to be suppressed, upon an Indictment found at the Assizes or Sessions.

An. 1615. And if they shall suffer Townsmen or other persons (usually) to tippie there, they are to be punished as Ale-house-keepers without License: for these Inns or Hosteries are be allowed only for Travellers.

His Majesty in his late speech in the Star-Chamber, hath justly excepted against the abundance of Ale-houses, and more specially against the infamous and blind Ale-houses, as being haunts and recesses for Robbers, Thieves, Rogues, Vagabonds, and other Idle, loose and sturdy Fellows, who loyter and enquire in these places where they may have a Booty, or do a mischief to the neighbouring Inhabitants: And therefore here I thought good to put the Justice of Peace in mind, that in allowing of Ale-houses they have regard as well to the person, as the place; for all persons, especially infamous or defamed, are not fit to be allowed for Ale-house-keepers, neither are all places meet for an Ale-house.

7 E. 6. 5. And therefore Ale houses to be allowed are meetest to be about the midst of the Town; but not to be in any blind or by-Corners (much less in woods or places remote from Towns) where Thieves and Rogues may be harboured: nor in places out of or distant from the Town; except upon the Riverside and where there is great need, and the persons well known. Resol. 36.

The keeping of Taverns, Ale-houses or Tipling-houses, by Bailiffs, Sergeants or other Minister is found generally mischievous, for when they Arrest any person, upon pretence of Favour, they carry them to their own houses, and there lodge and entertain them so long time as their money lasts, and then and not before carry them to Prison; whereby both the party arresting is many times defrauded of his debt, and the person arrested under colour of liberty cheated of his money, and at last left to perish in a Gaol, and therefore have I known many of these suppressed in the Kings-bench; And, as I remember, a rule of Court was made that none such should be licensed, which is a worthy Example for other Justices of Peace to observe, to prevent which inconveniences an Act of Parliament was made 22 & 23. Car. 2. d. whereby is provided, if any under Sheriff, Bailiff, Serjeant, or other Officers shall by vertue or colour of any Writ, Process or Warrant, have any person in custody, such Officer shall not carry, or convey or cause, &c. the said persons to any Tavern, Ale-house, or Victualling, or drinking-house, without his voluntary consent, so as to charge him with any sum or sums of money