

By the Petition and affidavit of Jacob Hook of Montgomery County it appears that he was presented at the Court of the said County at November Term last for retailing spirituous liquors without license and was at March Term last fined the sum of five pounds. The Petitioner states that he made frequent attempts to obtain a license but was prevented by reason of there being no associate Justice for the said County. The Clerk of the said County having certified that the sum of two Dollars was paid for his retailing spirituous liquors from the fifth day of August 1801 until November Term last being the time for which he had no license. The Board on consideration and from the recommendation of the Court of the said County do remit the above fine of five pounds.

John F. Moore

Allen B. Duckett

Edward Hall

Provedy President

Tuesday May the 25. 1802

The Council met Present His Excellency the Governor and The Honble Francis Digges, Provedy President and Edward Hall.

The Governor submitted to the Board a Petition signed by a number of the Inhabitants of George Town praying the interposition of the Executive by issuing a Proclamation declaring an intention to issue *Nolle Prosequi* or by other means to discourage seizures, under the Inspection law of last Session, of Tobacco that may be carried out of this State to the Inspection at George Town.

Whereupon the Board considering that the meaning of the Legislature in the said Act can be only properly determinable by the Courts of Justice in such cases as may be brought before them, and therefore that any Proclamation explanatory of the said Act, would be nugatory and improper. That the prejudging any case that may hereafter be brought before this Executive would be indiscreet. That their powers are limited to such cases of fines penalties or forfeitures as may come recommended by the Court before whom the cause may be tried. That the granting *Nolle Prosequi* being a power wholly to be exercised by the Governor in such cases as the same may lawfully issue, and therefore wholly in his discretion, and farther that by the Act of 1782 Chapter 42 Section 4. he is restrained from issuing a *Nolle Prosequi* in case of any prosecution by Process or Indictment for the recovery of any fine penalty or forfeiture only. do advise