

Public Faith, and give a fatal Blow to the Value of it, that the Emission of the Sum of 4015 *l.* 6*s.* proposed by your Bill to be emitted, would also be a Breach of the Public Faith, and would affect the Value of the present Currency in a less Degree, though you are pleased to say, you are at a Loss to conceive how it can; and therefore, had we no other Reason against the passing this Bill, we hope we should be well justified in refusing it. This is all we think necessary to offer, in Answer to that Part of your Message: And must now observe, that, as you say, you will as strenuously support the Lord Proprietor's Prerogative, as you will the Interest and Privilege of your Constituents, we expect, that if we can shew you, that the Lord Proprietor's Ancestors actually Licenced several Persons in this Province to keep Ordinary, in Virtue of their Prerogative, and issued Proclamations, prohibiting any Persons whatsoever within this Province, to keep Ordinary without such Licence, which were obeyed, and that the Lower House of Assembly in this Province, once thought, that the sole Power of Granting Ordinary Licences, was vested in the Lord Proprietor, you will at least acknowledge, that our present Lord Proprietor (who has the same Rights and Prerogatives now, that were in his Ancestors heretofore), has some Colour of Right to the Fines arising on such Licences, and that his Right thereto, does not appear so extremely doubtful to us, as you would insinuate.

In order then, to obviate this Matter, we say, that in the Year 1664, *Charles Calvert*, Esq; then Governor of this Province, under the Right Honourable *Cæcilius*, Lord *Baltimore*, Lord and Proprietor thereof, did, in Virtue of Prerogative, Licence a certain *James Jolly*, to keep an Inn or Ordinary, in his House, in *St. Mary's* County, and did take the said *Jolly's* Recognizance, in the Sum of One thousand Pounds of Tobacco, with Condition, for his keeping good Rules and Orders in such Ordinary, for the Term of three Years; and that one *Smith* afterwards, and in the same Year, obtained a Licence, from the said Governor, to keep an Ordinary, at *St. Mary's* County Court House, upon the same Terms, and for the same Term of Years; and that in the Year 1673, the same Governor issued his Proclamation, directed to a certain *John Allen*, High Sheriff of *Charles* County, and to the Sheriff of every other County within this Province, (re-citing, that forasmuch as he had granted Licences, to several Persons within this Province, for the Keeping of Ordinaries, and that the same Licences were restrained to only one Year, and then to be void, and for that he was informed, that several Persons in the respective Counties of this Province, did presume to keep Ordinary, notwithstanding they had not Licences, or that their Licences were void and out of date), commanding the same Sheriff, that he should make public Proclamation through his Bailiwick, that all Persons that kept any public Ordinary within the same, either by Virtue of any Licence from him, or without any such Licence at all, should personally appear before him, at his House at *Mattapony*, the tenth Day of *January* then next ensuing, and bring with them such Licences as they had, by Virtue of which they kept Ordinary, or some Testimonials from the Commissioners of the County where they lived, that they were Persons fit to keep Ordinary, and to take out new Licences, or else to proclaim, that the said Licences to them formerly granted, were thereby vacated, and that they should be proceeded against, as Persons that sold Drink, and kept Ordinaries, without Licence, &c. And that afterwards, at a General Assembly held at *St. Mary's*, in *May*, 1674, a Member of the Lower House moved the House, that it was necessary to provide against the Inconveniencies of a Multitude of Ordinaries in By-Places, and from such Places where Courts were kept, upon the Road to give Entertainment to Passengers and Travellers, &c. and that upon a Debate before that House thereon, it was Resolved, that they should send a Message to his Excellency, in whom, they said, the sole Power of granting Licences was, to desire his Excellency's 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 said 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 Reservations, 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 omit to insert, we say, 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 Lordship's Prerogative is not in the least Degree infringed by your appropriating the Fines on Ordinary Licences, you refer us to the Act of Assembly, made in the Year 1717, where the late Lord Proprietor, you say, accepted of the Fines arising upon Ordinary Li-