

P. R. O. Of this Report his Ex^{cy} desires the Opinion of the Gent of the Councill & first of M^r Coursey Who says he conceives the Act of parliam^t of 22^d & 23^d of King Charles the Second do not extend to this province because that the Taxes & Subsidys which are raised in England are not levyed in Ireland altho' a plantacōn Depending upon England untill they are assessd by a particular Law of that Kingdom And that wee have severall Laws of this province of the same nature which were never denyed in England.

M^r Sanders is of opinion that those Lycenses having been settled formerly by severall Acts of Assembly in this province by the Royall Authority & Consent & not otherwise the profit Arising thereon ought not to be applyed to any use but what her Ma^{ty} shall be Graciously pleasd to assent to being Inherent in her Ma^{ty} & of her Royall prerogative to lycense or inhibitt.

Col^o Lloyd is of opinion the Ordinary Lycenses may be Disposed of by the Gov^r Councill & Assembly.

Col^o Francis Jenkins says that his opinion is it may lye in the Gift of his Ex^{cy} [and] her Ma^{ty}s Councill & that it is not his Opinion that the laws of England do not comprehend us in that point in these remote parts

Col^o Hamond is of opinion that the Ordinary Lycenses are in the Queen & that wee ought to Conforme our selves to the laws of England

M^r Smith is of the same Opinion

Of which his Ex^{cy} is pleasd to Declare his Approbation & Resolved that it be proposed to the house to pass the Act for Regulating Ordinarys in the very words now proposd for & during the term of Eighteen Months from the end of this Sessions or to the end of the next Sessions of Assembly which shall first happen that the house may have no Apprehension of those Lycenses being otherwise Disposed of which was Communicated to them by Col^o Lloyd

The Councill Adjourn'd till 8 a Clock to morrow Morning

Wednesday May the 3d 1704.

The Councill in Assembly Sate Prsent as Yesterday save M^r Rooke [sic: Brooke?] & Col^o Jenkins who had leave last night to go home on urgent Occasions.

M^r Tilghman brings from the House the following Message.

By the house of Delegates

May 3^d 1704

The house Desire the hon^{ble} her Ma^{ty}s Councill to Explayne their Message of Yesterdays Date by the hon^{ble} Col^o Edward