

ANNO PRIMO

GULIELMI IV. REGIS.

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CAP. LXIV.

An Act to permit the general Sale of Beer and Cyder by Retail in *England*. [23d *July* 1830.]

WHEREAS it is expedient, for the better supplying the Public with Beer in *England*, to give greater Facilities for the Sale thereof than are at present afforded by Licences to Keepers of Inns, Alehouses, and Victualling Houses; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* One thousand eight hundred and thirty, it shall and may be lawful for any and every Person, who shall obtain a Licence for that Purpose under the Provisions of this Act, to sell Beer, Ale, and Porter by Retail in any Part of *England*, in any House or Premises specified in such Licence; any thing in any Act or Acts heretofore made, or in force at the Time of the passing of this Act, to the contrary in anywise notwithstanding.

All Persons licensed under this Act may sell Beer by Retail.

II. And be it further enacted, That it shall be lawful for every and any Person, being a Householder, (other than and except such Persons as are herein-after specially excepted,) who shall be desirous of selling Beer, Ale, and Porter by Retail under the Provisions of this Act, to apply for and to obtain an Excise Licence for that Purpose; and in every Application for such Licence there shall be specified, set forth, and inserted the Christian Name and Surname of

Parties desirous of retailing Beer shall take out a Licence.

the Party applying for such Licence, and a Description of the House or Premises in which Beer, Ale, and Porter is intended to be sold by Retail by such Person, together with the Christian Names and Surnames and the Occupation and Residence of the Person or Persons who shall be proposed as Surety or Sureties for the Party so to be licensed; and any and every such Licence which shall be taken out within the Limits of the Chief Office of Excise in *London* shall be granted under the Hands and Seals of Two or more of the Commissioners of Excise for the Time being, or of such Persons as they the said Commissioners of Excise, or the major Part of them, for the Time being, shall from Time to Time authorize, employ, or direct for that Purpose; and any and every such Licence which shall be taken out in any Part of *England* not within the said Limits shall be granted under the respective Hands and Seals of the several Collectors and Supervisors of Excise within their respective Collections and Districts; and it shall be lawful for the said Commissioners of Excise, or any Two or more of them respectively, and for the Person to be authorized, employed, or directed by the said Commissioners or the major Part of them, and also for all such Collectors and Supervisors, and they are hereby respectively authorized and required, within Ten Days after the Application shall have been made for the same, and upon Execution by the Party and his Surety or Sureties of the Bond herein-after mentioned, and any Time after upon the Execution of such Bond, to grant such Licence to the Persons who shall apply for the same, the Person so applying first paying for such Licence a Duty of Two Pounds and Two Shillings, to be applied and accounted for as herein-after directed; and every such Licence shall be dated on the Day when the same shall be granted, and shall expire at the End of Twelve Calendar Months after the Day on which such Licence shall be dated; and every such Licence shall be according to the Form in the Schedule annexed to this Act, and shall be duly registered in the proper Department of the Excise: Provided always, that no such Licence shall authorize or entitle the Party licensed to receive any Licence to sell or retail Wine or Spirits, any thing in any Act or Acts of Parliament to the contrary thereof notwithstanding; and that no such Licence shall be granted to any Person being a Sheriff's Officer, or Officer executing the legal Process of any Court of Justice, nor to any Person not being a Householder assessed to the Poor Rates in the Parish or Place in which he shall be licensed to sell Beer by Retail, and that any Licence granted to any such Person shall be void to all Intents and Purposes; and a List or Register of every Licence so granted, specifying the Name and Place of Abode of every Person licensed, and of his Sureties respectively, and the Name and Description of the House mentioned in such Licence, shall be kept at the Excise Office with respect to all Licences granted by the Commissioners of Excise or any Person authorized by them, and at the Office or Dwelling House of every Collector and Supervisor of Excise in their and his respective Collections and Districts; and such List or Register shall at all Times be produced to and shall be open to the Inspection and Perusal of any Magistrate of the County or Place where such Licence shall be granted and where such House shall be situate; and a Copy of such List or Register

In London, Licences shall be granted by the Commissioners of Excise, &c.; elsewhere in England, by the Collectors and Supervisors of Excise.

Licence Duty.

No Licence shall be granted to a Sheriff's Officer or Non-householder.

Register of Licences.

Licences shall be produced for the Inspection of Magistrates.

shall once in every Calendar Month be transmitted by every such Collector or Supervisor to the Clerk of the Magistrates for the District in which such Licence shall be granted; and any Copy of or Extract from such List or Register, which shall or may be at any Time required by the Clerk to the Magistrates, shall be given to him by such Collector or Supervisor whenever thereto required.

Licence Duty shall be under the Management of the Commissioners of Excise, and carried to the Consolidated Fund.

III. And be it further enacted, That the Duty by this Act imposed on Licences to sell Beer by Retail shall be under the Management of the Commissioners of Excise for the Time being, and shall and may be respectively raised, levied, collected, answered, paid, and recovered in such and the like Manner, and in or by any or either of the general or special Means, Ways, or Methods by which any other Duties of Excise on Licences are or may be raised, levied, collected, answered, paid, or recovered; and all the Monies arising by the Duties by this Act imposed and made payable as aforesaid, the necessary Charges of raising and accounting for the same excepted, shall from Time to Time be paid into the Receipt of His Majesty's Exchequer at *Westminster*, and the said Money so paid into the Receipt of the Exchequer as aforesaid shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Party requiring Licence shall enter into a Bond, with Sureties, for Payment of Penalties.

IV. Provided always, and be it enacted, That it shall not be lawful for the Commissioners of Excise or any Person authorized by them, nor for any Collector or Supervisor of Excise, to grant or deliver any such Licence to any Person applying for the same, unless such Person shall, before receiving such Licence, or at the Time of receiving the same, enter into a Bond to the Commissioners of Excise with One sufficient Surety in the Penalty of Twenty Pounds or with Two sufficient Sureties in the Penalty of Ten Pounds each, such Surety or Sureties being the Person or Persons named in the Application of the Party requiring the Licence, or some other Person or Persons approved of by the said Commissioners or by the Person authorized to grant such Licences; and such Bond shall be executed by such Person and his Surety or Sureties, conditioned for the Payment by such Person, or his Surety or Sureties, of any Penalty or Sum of Money not exceeding the Amount of such Twenty Pounds or Ten Pounds respectively, which shall be incurred for any Offence against this Act by the Party to whom such Licence shall be granted, or for the Payment of such Sum of Twenty Pounds or Ten Pounds respectively, in case any Penalty incurred by such Party licensed shall exceed such Twenty Pounds or Ten Pounds respectively; and it shall be lawful for the said Commissioners, or the Person so authorized by them, or for such Collector or Supervisor of Excise respectively, to judge of and determine upon the Sufficiency of any such Surety or Sureties: Provided always, that such Bond shall not be subject or liable to the Payment of any Stamp Duty whatever; any thing in any Act or Acts to the contrary notwithstanding.

No Person licensed to sell Beer shall

V. Provided always, and be it further enacted, That no Person licensed to sell Beer by Retail under the Provisions of this Act, and that

be competent to be a Surety.

that no Person not being a Householder assessed to and paying the Poors Rates within the Parish in which the Person licensed shall be resident, shall be deemed competent to be or shall be accepted as a Surety in any such Bond as aforesaid.

Persons licensed to retail Beer shall put up descriptive Boards.

VI. And be it further enacted, That every Person who shall be licensed to sell Beer, Ale, and Porter by Retail under the Provisions of this Act shall cause to be painted, in Letters Three Inches at least in Length, in White upon a Black Ground, or in Black upon a White Ground, publicly visible and legible, upon a Board to be placed over the Door of the House or Premises in which such Person shall be licensed to sell Beer by Retail, the Christian and Surname of the Persons mentioned in such Licence, at full Length, together with the Words "Licensed to sell Beer by Retail;" and every such Person shall preserve and keep up such Name and Words so painted as aforesaid during all the Time that such Person shall continue so licensed, upon pain that every Person in any respect making default herein shall forfeit and pay for every such Offence the Sum of Ten Pounds.

No Person shall sell Beer after Expiration of his Licence.

Licence may be renewed yearly.

Penalty on selling without Licence, 20*l.*

VII. And be it further enacted, That no Person shall sell any Beer by Retail under the Provisions of this Act at any Time after the Expiration of any Licence granted under this Act, nor in any House or Place not specified in such Licence: Provided always, that it shall be lawful for any Person so licensed to take out a fresh Retail Licence for the selling Beer by Retail before the Expiration of any former Retail Licence, and so from Year to Year; and if any Person, not being duly licensed to sell Beer as the Keeper of a common Inn, Alehouse, or Victualling House, shall sell any Beer by Retail without having an Excise Retail Licence in force authorizing such Person so to do, or after the Expiration of any such Licence, or without renewing such Licence in manner aforesaid, or in any House or Place not specified in such Licence, or if any such Person so licensed shall deal in or retail any Wine or Spirits, every such Person so offending shall for every such Offence forfeit and lose the Sum of Twenty Pounds.

Such Penalty may be recovered as other Excise Penalties.

VIII. And be it further enacted, That the said last-mentioned Fine, Penalty, or Forfeiture of Twenty Pounds, shall and may be sued for, recovered, levied, mitigated, and distributed by such Ways, Means, and Methods as any Fine, Penalty, or Forfeiture may be sued for, recovered, levied, mitigated, or distributed by any Law or Laws of Excise; and that one Moiety of every such Fine, Penalty, or Forfeiture shall be to His Majesty, His Heirs and Successors, and the other Moiety to him or them who shall inform, discover, or sue for the same.

Powers of Excise Act 7 & 8 G. 4. c. 53., &c. extended to this Act.

IX. And be it further enacted, That all the Powers and Authorities, Directions, Rules, Regulations, Methods, Penalties, Forfeitures, Clauses, Matters, and Things, which in and by an Act made in the Eighth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout*

Great Britain *and* Ireland, or by any other Law now in force relating to His Majesty's Revenue of Excise, are provided and established for enforcing, regulating, managing, raising, levying, collecting, paying, mitigating, recovering, adjudging, or distributing the Penalties thereby imposed, and all Matters and Things therein relating to Excise Licences, (except where otherwise provided by this Act, or repugnant thereto,) shall and may be exercised, practised, applied, used, and put in execution in and for the enforcing, regulating, managing, raising, levying, collecting, paying, mitigating, recovering, adjudging, or distributing the said Penalty of Twenty Pounds, and all Matters and Things relating to the said Licences hereby authorized and required to be granted as aforesaid, as fully and effectually to all Intents and Purposes as if all and every the said Powers, Authorities, Directions, Rules, Regulations, Methods, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in this present Act; any thing herein-after contained to the contrary thereof in anywise notwithstanding.

Proviso for Partners.

X. Provided always, and be it further enacted, That Persons trading in Partnership, and in One House or Premises only, shall not be obliged to take out more than One Licence in any One Year, for selling any Beer by Retail under the Provisions of this Act: Provided also, that no One Licence which shall be granted by virtue of this Act shall authorize or empower any Person or Persons to sell any Beer, Ale, or Porter, under the Provisions of this Act, in any House or Place other than the House or Place mentioned in such Licence for selling Beer, Ale, and Porter by Retail under the Provisions of this Act, and in respect whereof such Licence shall be granted.

Licence shall not extend to any other House.

Houses to be closed by Order of Justices in Cases of Riot, &c.

XI. And be it further enacted, That it shall be lawful for any One Justice acting for any County or Place where any Riot or Tumult shall happen, or for any Two or more Justices where any Riot or Tumult may be expected to take place, to order or direct that every Person licensed under this Act, and keeping any House, situate within their respective Jurisdictions, in or near the Place where such Riot or Tumult shall happen or be expected to take place, shall close his House at any Time which such Justice or Justices shall order or direct; and every such Person who shall keep open his House at or after any Hour at which such Justices shall have so ordered or directed such House to be closed shall be taken and deemed to have not maintained good Order and Rule therein, and to be guilty of an Offence against the Tenor of the Licence granted to such Person.

Standard Measures to be used.

XII. And be it further enacted, That every Person under this Act licensed to sell Beer by Retail shall sell or otherwise dispose of all such Beer by Retail (except in Quantities less than a Half Pint) by the Gallon, Quart, Pint, or Half Pint Measure sized according to the Standard, and shall also retail the same in a Vessel sized according to such Standard, and in default thereof he shall for every such Offence forfeit the illegal Measure, and pay a Sum not exceeding Forty Shillings, together with the Costs of the Conviction, to be recovered, within Thirty Days next after that on which such Offence

 was

was committed, before Two Justices; and such Penalty shall be over and above all Penalties to which the Offender may be liable under any other Act.

Penalty on Retailers permitting Drunkenness, &c. in their Houses.

XIII. And be it further enacted, That every Seller of Beer, Ale, and Porter by Retail, having a Licence under the Provisions of this Act, who shall permit any Person or Persons to be guilty of Drunkenness or disorderly Conduct in the House or Premises mentioned in such Licence, shall for every such Offence forfeit the respective Sums following; and every Person who shall in any way transgress or neglect, or shall be a Party in transgressing or neglecting, the Conditions and Provisions specified in such Licence, or shall allow such Conditions or Provisions to be in any way transgressed or neglected, in the House or Premises so licensed, shall be deemed

First Offence.

guilty of disorderly Conduct; and every Person so licensed who shall permit any such disorderly Conduct shall for the First Offence forfeit any such Sum, not less than Forty Shillings nor more than Five Pounds, as the Justices before whom such Retailer shall be convicted of such Offence shall adjudge; and for the Second such Offence, any Sum not less than Five Pounds nor more than Ten Pounds; and for the Third such Offence, any Sum not less than Twenty Pounds nor more than Fifty Pounds; and it shall be lawful for the Justices before whom any such Conviction for such Third Offence shall take place to adjudge, if they shall so think fit, that such Offender shall be disqualified from selling Beer by Retail for the Space of Two Years next ensuing such Conviction, and also (if they shall so think fit) to adjudge that no Beer shall be sold by Retail by any Person in the House or Premises mentioned in the Licence of such Offender; and if any Person so licensed as aforesaid shall knowingly sell any Beer, Ale, or Porter made otherwise than from Malt and Hops, or shall mix or cause to be mixed any Drugs or other pernicious Ingredients with any Beer sold in his House or Premises, or shall fraudulently dilute or in any way adulterate any such Beer, such Offender shall for the First Offence forfeit any Sum not less than Ten Pounds nor more than Twenty Pounds, as the Justices before whom such Offender shall be convicted of such Offence shall adjudge; and for the Second such Offence such Offender shall be adjudged to be disqualified from selling Beer, Ale, or Porter by Retail for the Term of Two Years, or to forfeit any Sum of Money not less than Twenty Pounds nor more than Fifty Pounds, at the Discretion of the Justices before whom such Offender shall be adjudged guilty of such Second Offence; and if any Offender convicted of such Offence as last aforesaid shall during such Term of Two Years sell any Beer, Ale, or Porter by Retail, either in the House and Premises mentioned in the Licence of such Offender, or in any other Place, he shall forfeit any Sum not less than Twenty-five Pounds nor more than Fifty Pounds, and shall be subject to a like Penalty at any and every House or Place where he shall commit such Offence; and if any Person shall at any Time, during any Term in which it shall not be lawful for Beer to be sold by Retail on the Premises of any Offender, sell any Beer by Retail on such Premises, knowing that it was not lawful to be sold, such Offender shall forfeit any Sum not less than Ten

Second Offence.

Third Offence.

Penalty on mixing Drugs in Beer, or adulterating Beer.

First Offence.

Second Offence.

Penalty on selling after Conviction of Second Offence.

Pounds nor more than Twenty Pounds, as the convicting Justices shall adjudge.

Retailers Houses shall not be open before 4 in the Morning nor after 10 in the Evening; nor on Sundays between 10 and 1, or 3 and 5, in the Day.

XIV. And be it further enacted, That no Person licensed to sell Beer by Retail under this Act shall have or keep his House open for the Sale of Beer, nor shall sell or retail Beer, nor shall suffer any Beer to be drank or consumed, in or at such House, at any Time before the Hour of Four of the Clock in the Morning nor after Ten of the Clock in the Evening of any Day in the Week, nor at any Time between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon, nor at any Time between the Hours of Three and Five of the Clock in the Afternoon, on any *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving; and if any such Person shall keep his House open for selling Beer, or shall sell or retail Beer, at any Time after the Hour of Ten of the Clock in the Evening or before the Hour of Four of the Clock in the Morning of any Day, or between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon, or between the Hours of Three and Five of the Clock in the Afternoon, on any *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving, such Person shall forfeit the Sum of Forty Shillings for every Offence; and every separate Sale shall be deemed a separate Offence.

Penalties recoverable before Two Justices in Petty Sessions, within Three Months after Offence committed.

XV. And be it further enacted, That all Penalties under this Act, save and except the Penalty herein-before mentioned for selling Beer by any Person not duly licensed, shall and may be recovered upon the Information of any Person whomsoever before Two Justices acting in Petty Sessions; and that every such Penalty shall be prosecuted and proceeded for within Three Calendar Months next after the Commission of the Offence in respect of which such Penalty shall be incurred; and every Person licensed under this Act who shall be convicted, before Two Justices so acting in and for the Division or Place in which shall be situate the House kept or theretofore kept by such Person, of any Offence against the Tenor of the Licence to him granted under this Act, or of any Offence for which any Penalty is imposed by this Act, shall, unless Proof be adduced to the Satisfaction of such Justices that such Person had been theretofore convicted before Two Justices within the Space of Twelve Calendar Months next preceding of some Offence against the Tenor of his Licence or against this Act, be adjudged by such Justices to be guilty of a First Offence against the Provisions of this Act, and to forfeit and pay any Penalty by this Act imposed for such Offence, or if no specific Penalty be imposed for such Offence, then any Sum not exceeding Five Pounds, together with the Costs of the Conviction; and if Proof shall be adduced to the Satisfaction of such Justices that such Person had been previously convicted before Two Justices within the Space of Twelve Calendar Months next preceding of One such Offence only, such Person shall be adjudged by such Justices to be guilty of a Second Offence against the Provisions of this Act, and to forfeit and pay any Penalty by this Act imposed for such Offence, or if no specific

specific Penalty be so imposed, then any Sum not exceeding Ten Pounds, together with the Costs of the Conviction; and if Proof shall be adduced to the Satisfaction of such Justices that such Person had been previously convicted before Two Justices within the Space of the Eighteen Calendar Months next preceding of Two such separate Offences, and if Proof shall be adduced to the Satisfaction of the Justices that such Person so charged is guilty of the Offence charged against him, such Person shall be adjudged to be guilty of a Third Offence against the Provisions of this Act, and to forfeit and pay any Penalty imposed by this Act in respect of such Offence, or if no such specific Penalty shall be imposed, then to forfeit and pay the Sum of Fifty Pounds, together with the Costs of the Conviction.

Appeal to the Quarter Sessions.

XVI. Provided always, and be it enacted, That it shall and may be lawful for the Party convicted of any such Third Offence to appeal to the General Sessions or Quarter Sessions of the Peace then next ensuing, unless such Sessions shall be held within Twelve Days next after such Conviction, and in that Case to the then next subsequent Sessions; and in such Case the Party so convicted shall before such Justices so convicting forthwith enter into a Recognizance, with Two sufficient Sureties, personally to appear at the said General Session or Quarter Session, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; which Recognizances such Justices are hereby authorized to require and take; or, in failure of the Party convicted entering into such Recognizance, such Conviction shall remain good and valid to all Intents and Purposes; and the said Justices who shall take such Recognizance from the Party convicted are also hereby required to bind the Person who shall make such Charge in a Recognizance to appear at such General or Quarter Sessions as aforesaid, then and there to give Evidence against the Person so charged, and in like Manner to bind any other Person who shall have any Knowledge of the Circumstances of such Offence; and it shall be lawful for the said Court of General Session or Quarter Session to adjudge such Person to be guilty of any such Third Offence against the Provisions of this Act, as the Case may be, and such Adjudication shall be final to all Intents and Purposes; and it shall be lawful for such Court of General Session or Quarter Session to punish such Offender by Fine not exceeding the Sum of One hundred Pounds, together with the Costs of such Appeal, or to adjudge the Licence granted to and held by or on behalf of such Offender to be forfeited and void, or to adjudge that no Beer shall be sold by Retail in the House or Premises mentioned in the Licence of such Offender for the Term of Two Years from the Date of such Adjudication, or to punish such Offender by such Fine as aforesaid, and to adjudge such Premises to be disqualified for the Sale of Beer as aforesaid, and such Licence to be forfeited and void; and if such Licence shall be adjudged to be forfeited and void, it shall thenceforth be void accordingly; and whenever in such Case or in any other Case the Licence of such Offender shall be adjudged to be void, such Offender shall from and after such Adjudication be deemed and taken to be incapable of selling Beer, Ale, or Porter by Retail, in any House kept by him, for

the Space of Two Years, to be computed from the Time of such Adjudication; and any Licence granted to such Person during such Term shall be void to all Intents and Purposes.

Court to adjudge Costs of Appeal in certain Cases.

XVII. And be it further enacted, That whenever it shall happen that any Appeal respecting which any Recognizance shall be entered into in pursuance of this Act shall be dismissed, or that the Conviction appealed against shall be affirmed, or that such Appeal shall be abandoned, it shall be lawful for the Court to whom such Appeal shall have been made or intended to be made, and such Court is hereby required, to adjudge and order that the Party so having appealed or having entered into such Recognizance shall pay to the Justices before whom such Recognizance shall have been entered into, or to whomsoever they shall appoint, such Sum by way of Costs as shall in the Opinion of such Court be sufficient to indemnify such Justices from all Costs and Charges whatsoever to which such Justices may have been put in consequence of the Intention or declared Intention of such Party to appeal; and if such Party shall refuse or neglect to pay forthwith such Sum, it shall be lawful for the said Court to adjudge and order that the Party so refusing or neglecting shall be committed to the Common Gaol or House of Correction, there to remain until such Sum be paid, or for any Time not exceeding Six Calendar Months, unless such Sum be sooner paid; and in every Case in which the Conviction so appealed against shall be reversed, it shall be lawful for such Court (if it shall think fit) to adjudge and order that the Treasurer of the County or Place in and for which such Justices whose Judgment shall have been so reversed shall have acted on the Occasion when they shall have given such Judgment, shall pay to such Justices, or whomsoever they shall appoint, such Sum as shall in the Opinion of such Court be sufficient to indemnify such Justices from all Costs and Charges whatsoever to which such Justices may have been so put; and the said Treasurer is hereby authorized to pay the same, which shall be allowed to him in his Accounts.

Proceedings at the Session in certain Cases to be carried on by the Petty Constable.

XVIII. And be it further enacted, That in every Case in which any Appeal shall be made, by any Person convicted of any Offence under the Provisions of this Act, to the General Session or Quarter Session, it shall be lawful for the convicting Justices, if no other fit and proper Person shall appear to prosecute such Charge and to carry on such Proceedings as may be necessary to obtain at such Session an Adjudication thereon, to order that the Constable or other Peace Officer of the Parish or Place in which shall be situate the House kept by the Person charged shall carry on all Proceedings necessary to obtain such Adjudication as aforesaid, and to bind such Constable or other Peace Officer in a sufficient Recognizance so to do; and it shall be lawful for the Justices before whom such Offender shall have been convicted to order the Treasurer of the County or Place in and for which such Justices shall then act to pay to such Constable or other Peace Officer, and to the Witness or Witnesses on his Behalf, such Sum or Sums of Money as to the Court shall appear to be sufficient to reimburse such Constable or other Peace Officer, and such Witness or Witnesses respectively, the Expences that he or they

Expences of Prosecution to be charged on County Rates.

they shall have been severally put to in and about such Prosecution, which Order the Clerk of the Peace is hereby directed and required forthwith to make out and to deliver to such Constable or other Peace Officer, or to such Witness or Witnesses; and the said Treasurer is hereby authorized and required, upon Sight of such Order, forthwith to pay to such Constable or other Peace Officer, or other Person authorized to receive the same, such Money as aforesaid, and the said Treasurer shall be allowed the same in his Accounts.

In default of Payment of Penalties, Proceedings may be had against the Sureties.

XIX. And be it further enacted, That in case any Person licensed under this Act shall be convicted of any Offence against this Act, and shall not pay the Penalty incurred by such Conviction, it shall be lawful for the Justices convicting such Offender, after the Expiration of One Calendar Month next after such Conviction, to summon any Surety or Sureties named in the Bond entered into and executed by such Person and his Surety or Sureties at the Time of obtaining his Licence, to appear before the said Justices, and shew Cause why the Penalty mentioned in such Bond should not be paid by such Surety or Sureties, or so much thereof as shall be sufficient to pay any Penalty incurred by the Party licensed, or to satisfy so much of such Penalty so incurred as shall remain unpaid; and in case any such Surety shall not shew any sufficient Cause to the contrary, it shall be lawful for such Justices to adjudge that such Penalty, if not paid, or so much thereof as aforesaid, shall be paid by such Surety within Fourteen Days; and in case such Penalty, or so much thereof as aforesaid, shall not be paid within Fourteen Days, it shall be lawful for such Justices, if they shall think fit, to issue their Warrant, and to levy the Amount of such Penalty, or so much thereof as aforesaid, by Distress and Sale of the Goods and Chattels of such Surety, together with the Costs of such Distress and Sale; and the Certificate of the Commissioners of Excise, or their Officer, or other Persons by this Act authorized to grant any Licence, of the Date of such Bond, and the Names and Descriptions of the Surety or Sureties in such Bond, shall be sufficient Evidence of such Bond, and of the Contents and Execution thereof, against any Surety or Sureties, in any Proceedings under this Act.

Penalty on Witnesses not attending.

XX. And be it further enacted, That any Person summoned as a Witness to give Evidence before any Justices or Sessions touching any of the Matters aforesaid, either on the Part of the Complainant or of the Person accused, who shall neglect or refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by such Justices or Sessions, or who appearing shall refuse to be examined on Oath or Affirmation and give Evidence, shall on Conviction before such Justices forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalties may be levied by Distress.

XXI. And be it further enacted, That in every Case in which under the Authority of this Act any Justices shall adjudge that any Offender shall pay or cause to be paid any Penalty, and such Offender shall refuse or neglect, within Seven Days after his Conviction, to pay such Penalty, and any Costs which shall have been duly assessed

and ascertained by such Justices, it shall be lawful for such Justices, if they shall think fit, to issue their Warrant, and to levy the Amount of such Penalty and Costs by Distress and Sale of the Goods and Chattels of such Offender, together with the Costs of such Distress and Sale; and in every such Case such Offender, if in Custody at the Time that such Warrant shall be so issued, shall be forthwith discharged; but if it shall appear to such Justices that the Goods and Chattels of such Offender are not sufficient whereon to levy such Distress, together with the Costs of such Distress and Sale, it shall be lawful for such Justices to commit the Offender to the Common Gaol or to the House of Correction of the County or Place for which such Justices shall be then acting, for any Term not exceeding One Calendar Month if the Penalty shall not be above Five Pounds, for any Term not exceeding Three Calendar Months if the Penalty shall be above Five Pounds and shall not be more than Ten Pounds, and for any Term not exceeding Six Calendar Months if the Penalty shall be above Ten Pounds: Provided nevertheless, that whenever such Offender shall have been committed to the Common Gaol or House of Correction in consequence of his not having duly paid such Penalty and Costs, if such Offender shall pay or cause to be paid to the Gaoler or Keeper of the House of Correction, or to whomsoever such Justices shall have appointed, the Penalty imposed, and Costs, together with all the Costs of the Apprehension of him and of the Conveyance of him to the said Gaol or House of Correction, at any Time previous to the Expiration of the Time for which such Offender shall so have been committed, such Offender shall be forthwith discharged.

If Offender has not sufficient Goods whereon to levy, Justices may commit him.

Proviso for Offenders paying Penalties, &c. to Gaoler.

XXII. And be it further enacted, That any Justices before whom any Penalty shall be recovered under the Provisions of this Act shall award, if they shall think fit, any Portion of the same, not in any Case exceeding One Moiety thereof, to the Use of the Prosecutor; and the Remainder, or in case no Part of such Penalty shall be awarded to the Prosecutor, then the Whole of such Penalty, shall be awarded to be paid and shall be paid to the Treasurer of the County within which such Offence shall be committed, to be applied by the said Treasurer towards defraying the Expences of such County, and in aid of the County Rates of such County.

Application of Penalties.

XXIII. And be it further enacted, That whenever at any Session for any Liberty, County of a City, County of a Town, City or Town Corporate, there shall not be present at least Two Justices acting in and for any such Liberty, County of a City, County of a Town, City or Town Corporate, it shall be lawful for the Justices acting in and for the County or Counties adjoining to such Liberty, County of a City, County of a Town, City or Town Corporate, to act within such Liberty or Place, and with the Justice or Justices thereof who shall be present at any such Sessions as aforesaid, for the Purpose of hearing Complaints as to Offences against this Act; any Law, Custom, or Usage to the contrary notwithstanding.

If Justices of Liberties, &c. do not attend at Sessions, the County Justices may act.

XXIV. Provided always, and be it further enacted, That nothing herein contained shall extend to give the Justices of the County or any

Powers hereby given to Justices

of Counties not to extend to the Cinque Ports.

any Division thereof any Power or Authority for the putting of the Provisions of this Act in execution within any of the Cinque Ports or either of the Two ancient Towns, or any of the Corporate or other Members or Liberties of the Cinque Ports or Two ancient Towns; but that it shall be lawful for the Justices of and for each of the principal Cinque Ports and Two ancient Towns, and the Liberties thereof, and for the Justices of and for the Liberties thereof, and the Corporate Members, to act within the same respectively as they have been accustomed, and for them or any of them to act within each of the Corporate Members immediately belonging or subordinate to such principal Cinque Port or ancient Town, with the Justice or Justices of each such Corporate Member, for the Purpose of hearing Complaints as to Offences against this Act in all such Cases in which the Justices of the County are hereinbefore empowered or authorized to act with the Justice or Justices of any Liberty, County of a City, County of a Town, City or Town Corporate.

Form of Conviction.

XXV. And in order to prevent frivolous and vexatious Appeals, be it further enacted, That a Conviction in the Form or to the Effect following, *mutatis mutandis*, as the Case may be, shall be good and effectual to all Intents and Purposes whatsoever, without stating the Case or the Facts or Evidence in any more particular Manner; (that is to say,)

'
' to wit. } BE it remembered, That on this
' Day of in the Year *A. B.* of
' was duly convicted before us, *C. D.* and *E. F.*,
' Two of His Majesty's Justices of the Peace in Petty Sessions for
' the of for that [*here state the*
' *Offence, and the Time and Place when committed,*] whereby the said
' *A. B.* has forfeited the Sum of this being
' adjudged to be the First [*or* Second, *or* Third] Offence [*as the Case*
' *shall happen to be*] against the Provisions of an Act to permit the
' general Sale of Beer and Cyder by Retail in *England*, besides the
' Costs of this Conviction, which we the said Justices do hereby
' assess at the Sum of pursuant to the Statute in
' such Case made and provided. Given under our Hands and Seals,
' the Day and Year above written.'

Convictions to be returned to the Quarter Sessions, and filed of Record.

XXVI. And be it further enacted, That the Justices before whom any such Conviction shall have been made shall return the same, or cause the same to be returned, to the next General Session or Quarter Session of the Peace holden for the County or Place wherein the Offence shall have been committed, and such Conviction shall be then and there delivered to the Clerk of the Peace or other Person acting as such, to be by him filed or enrolled amongst the Records of the said Court; and the Certificate of the Clerk of the Peace of such Conviction, which he is hereby required to grant, on Demand, upon Payment of One Shilling, shall be legal Evidence of every such Conviction.

Writ of Certiorari not to be allowed.

XXVII. And be it further enacted, That no Conviction under this Act, nor any Adjudication made upon Appeal therefrom, shall be quashed for Want of Form, nor shall be removed by Writ of Certiorari or

or otherwise into any of His Majesty's superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and that there be a good and valid Conviction to sustain the same.

Actions against Justices, &c.

XXVIII. And be it further enacted, That every Action against any Justice, Constable, or other Person, for or on account of any Matter or Thing whatsoever done or commanded by him in the Execution of his Duty or Office under this Act, shall be commenced within Three Calendar Months after the Cause of Action or Complaint shall have arisen, and not afterwards; and if any Person shall be sued for any Matter or Thing which he shall have done in the Execution of this Act, he may plead the General Issue and give the special Matter in Evidence.

Act not to affect the Two Universities, nor the Vintners Company in London;

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or any of the Powers and Authorities vested by Charter or otherwise in the Chancellors, Masters, and Scholars of the said Universities, and their Successors, or in the Master, Wardens, Freemen, and Commonalty of the Vintners of the City of *London*, but not to extend to those Freemen of the said Company of Vintners who have obtained the same by Redemption only; nor in any way to affect any Licence to the Keeper of any Inn, Alehouse, or Victualling House, unless in so far as relates to the Sale of Beer by Retail; nor to prohibit any Person from selling Beer in Booths or other Places at the Time and within the Limits of the Ground or Place in or upon which is holden any lawful Fair, in like Manner as such Person was authorized to do before the passing of this Act.

nor to prohibit the Sale of Beer at Fairs as heretofore.

Licences to retail Cyder may be granted under the Regulations of this Act, on Payment of 1*l.* 1*s.* Duty.

XXX. And whereas it is expedient that the Sale of Cyder and Perry by Retail should be licensed in like Manner and should be subject to the like Regulations as the Sale of Beer; be it therefore enacted, That from and after the Tenth Day of *October* One thousand eight hundred and thirty, it shall be lawful for any Person desirous of selling Cyder and Perry by Retail to apply for and to obtain an Excise Licence for that Purpose, under the same Regulations in all respects (except as herein-after is otherwise provided) as are in this Act prescribed and contained with respect to Persons desirous of selling Beer, Ale, and Porter by Retail, and of being licensed for that Purpose; and that all the Clauses, Regulations, and Provisions in this Act contained relating to the Sale of Beer by Retail, and to the Licences for selling the same, and to the Sureties for the Parties licensed, and to the Conduct of the Parties licensed, and to all other Matters whatever respecting the selling of Beer by Retail, and the Retailers thereof, and the Licences for the same, and the Houses where the same are sold, and the Penalties against the Parties licensed, shall be taken and deemed to be applicable to the Sale of Cyder and Perry by Retail, and to Licences for the same, and to the Sellers of Cyder and Perry by Retail, as if Cyder and Perry, and the Retailers thereof, were expressly mentioned and specified in and throughout this Act: Provided always, that the

Provisions and Penalties of this Act with respect to the Sale of Beer to apply to the Sale of Cyder.

Person receiving a Licence for selling Cyder or Perry by Retail shall pay for such Licence a Duty of One Pound One Shilling and no more, instead of the Duty of Two Pounds Two Shillings herein-before mentioned, and which said Duty of One Pound One Shilling shall be applied in like Manner as the said Duty of Two Pounds Two Shillings is herein-before directed to be applied; and every such Licence shall be according to the Form in the Schedule annexed to this Act: Provided also, that any Person licensed under this Act to sell Beer by Retail may sell also Cyder and Perry by Retail without receiving a separate Licence for that Purpose; but that no Person licensed to sell Cyder and Perry by Retail, and paying for such Licence, as herein provided, the Sum of One Pound and One Shilling, shall be at liberty to sell Beer by Retail.

Persons licensed to retail Beer may also retail Cyder.

Covenants against Houses, &c. being used as Public Houses to extend to Persons licensed under this Act.

XXXI. Provided always, and be it enacted, That any and every Covenant or Clause of Restriction contained in any Lease or Contract between any Landlord and Tenant, whereby the Trade or Business of a Victualler or Publican is prohibited from being carried on in any House, Building, or Place mentioned or comprised in such Lease or Contract, or whereby any such House, Building, or Place is prohibited from being used as a Public House or Alehouse, shall apply and extend, and shall be construed to apply and extend, to every Person who shall be licensed to sell Beer, Ale, or Porter, or Cyder or Perry, under the Provisions of this Act, and to any and every House specified and mentioned in the Licence granted to such Persons.

Rules for the Interpretation of this Act.

XXXII. And in order to remove Doubts as to the Meaning of certain Words in this Act, be it enacted, That the Word "Justice" shall be deemed to mean Justice of the Peace; and that the Word "Person," and the Word "Party," shall be deemed to include any Number of Persons and Parties; and that the Word "Licence," and the Word "Day," and the Word "Time," and the Word "House," and the Word "Place," shall each be deemed to include any Number of Licences, Days, Times, Houses, or Places; and that the Word "Beer" shall in all Cases be deemed to include Beer, Ale, and Porter; and that the Word "Cyder" shall in all Cases be deemed to include Cyder and Perry; and that the Word "County," and the Words "County or Place," shall be deemed severally to include any County, Riding, Division of the County of *Lincoln*, Hundred, Division of a County, Liberty, Division of a Liberty, County of a City, County of a Town, City, Cinque Port, or Town Corporate; and the Words "Division or Place" shall be deemed to include any Division of a County or Riding, Liberty, Division of a Liberty, County of a City, County of a Town, City, Cinque Port, or Town Corporate; and that the Words "Parish or "Place" shall be deemed to include any Township, Hamlet, Tithing, Vill, Extra-parochial Place, or any Place maintaining its own Poor; and that the Word "Penalty" shall be deemed to include any Fine, Penalty, or Forfeiture of a pecuniary Nature; and that the Meaning of the several Words in this Act shall not be restricted, although the same may be subsequently referred to in the Singular Number or Masculine Gender only.

SCHEDULE to which this Act refers.

FORM OF LICENCE.

WE the undersigned, being of the Commissioners of the Excise [*or* I the undersigned, being a Person authorized and employed by the Commissioners of Excise to grant Licences for selling Beer [*or* Cyder and Perry, *as the Case may require,*] by Retail, *or* being a Collector or Supervisor of Excise for the Collection or District of] do hereby authorize and empower *A. L.*, now being a Householder, and dwelling at in the Parish of within the Limits of the Chief Office of Excise [*or* within the Limits of the said Collection or District], to sell Beer, Ale, and Porter [*or* Cyder and Perry] by Retail in the Dwelling House of the said *A. L.* and in the Premises thereunto belonging, the said *A. L.* having duly entered into a Bond, with *D. S.* of and *E. S.* of as his Surety [*or* Sureties], pursuant to the Act in such Case made: Provided, and upon Condition, that he or she [does not sell any Beer, Ale, or Porter made otherwise than from Malt and Hops] [*omit these Words in Licences to retail Cyder and Perry*]; nor mix or cause to be mixed any Drugs or other pernicious Ingredients in any Beer, Ale, or Porter [*or* in any Cyder or Perry]; nor fraudulently dilute, deteriorate, or adulterate any Beer, Ale, or Porter [*or* any Cyder or Perry]; nor sell any Beer, Ale, or Porter [*or* any Cyder or Perry] knowing the same to have been fraudulently diluted, deteriorated, or adulterated; nor use, in selling any Beer, Ale, or Porter [*or* any Cyder or Perry], any Measures which are not of the legal Standard; nor wilfully or knowingly permit any Drunkenness or any violent or quarrelsome or other disorderly Conduct in his [*or* her] House or Premises; nor knowingly suffer any unlawful Games or any Gaming whatsoever therein; nor knowingly permit or suffer Persons of notoriously bad Character to assemble and meet together therein; nor permit or suffer any Beer, Ale, or Porter [*or* any Cyder or Perry] to be drank or consumed in or upon or to be conveyed from or out of his [*or* her] Premises between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon, nor between the Hours of Three and Five of the Clock in the Afternoon, on Sundays, Christmas Day, and Good Friday, or any Day appointed for a Public Fast or Thanksgiving, nor at any Time before the Hour of Four of the Clock in the Morning, or after the Hour of Ten of the Clock in the Evening, of any Day; but do maintain good Order and Rule therein; and all Provisions for billeting Officers and Soldiers in Victualling Houses, contained in any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, are to extend and apply to the House and Premises mentioned in this Licence: And this Licence shall continue in force from the Day of next until the Day of then next ensuing, and no longer; provided, and upon Condition, that the said *A. L.* shall not in the meantime become a Sheriff's Officer, or Officer for executing the Process of any Court of Justice, nor shall in the meantime cease to be a Householder; and this Licence shall cease and determine, and shall become void, in case any of the Conditions or Regulations contained therein shall be transgressed, or shall not be observed by the said *A. L.* Given under our Hands and Seals [*or* my Hand and Seal], this Day of One thousand eight hundred and at .

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