'than Four such Under Secretaries shall sit as Members of the House of Commons at the 'same Time: And whereas it is expedient to explain and amend the said Act: And whereas 'similar Provisions are or may be contained in other Acts now in force or to be hereafter 'passed with respect to Persons holding other Offices, and it is expedient that the same Rules 'shall be established for all such Cases:' Be it enacted by the Queen'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, as follows:

Provision in case of Person accepting Office of Under Secretary when Four Under Secretaries are sitting in the House of Commons.

1. If at any Time when Four of the Under Secretaries for the Time being to Her Majesty's Principal Secretaries of State are Members of the House of Commons, any other Person, being a Member of that House, accepts the Office of Under Secretary of State to any of the said Principal Secretaries, the Election of such Person shall be and the same is hereby declared to be void, and a Writ shall be issued for a new Election.

A Member whose Election is so declared to be void (and also any Person who, not being a Member, holds the Office of Principal Secretary of State or Under Secretary to One of Her Majesty's Principal Secretaries of State,) shall be incapable of being elected or sitting as a Member of the House of Commons during such Time as he holds such Office, and Four other Principal Secretaries or Under Secretaries respectively, as the Case may be, are Members of the House of Commons, but not for any further or longer Period.

Provision in case of more Secretaries or Under Secretaries of State being chosen at a General Election than are capable of sitting.

2. If at any General Election there are returned as Members to serve in Parliament a greater Number of Persons holding the Office of Principal Secretary of State or the Office of Under Secretary of State than are permitted by Act of Parliament to sit and vote in the House of Commons, the Election of such Persons shall not be invalidated by reason of such Excess; but no One of such Persons shall be capable of sitting or voting in the House of Commons until the Number of Persons returned as Members and holding the same Office as himself is reduced by Death, Resignation, or otherwise to the Number permitted by Law to sit in the House of Commons.

If any Person sits or votes in the House of Commons in contravention of this Section he shall be liable to a Penalty not exceeding Five hundred Pounds for each Day during which he so sits or votes.

Provision in case of other Offices.

3. In all Cases in which by any Act now in force, or to be hereafter passed, any Limit is or shall be imposed upon the Number of Persons holding any other Office who may at the same Time sit or vote as Members of the House of Commons, the Rules established by this Act with reference to Persons holding the Office of Under Secretary of State shall be applied in the same Manner as if such other Office had been expressly mentioned in this Act, unless special Provision shall be made to the contrary.

Provision as to Members elected previously to passing of this Act.

4. No Election of any Member of the House of Commons elected previously to the passing of this Act shall be deemed to have become void by reason only of any Excess which may have occurred, previously to the passing of this Act, in the Number of Members of the said House holding the same Office for the Time being beyond the Number limited by Law.

CAP. XXXV.

An Act for more effectually regulating the Sale of Beer in *Ireland*.

[30th *June* 1864.]

'WHEREAS it is expedient to amend the Law with respect to certain Houses in '*Ireland* (commonly called "Beerhouses") licensed for the Sale of Beer to be drunk 'or consumed elsewhere than on the Premises where sold:' Be it therefore enacted by the Queen'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, as follows:

1. This

Short Title.

1. This Act may be cited for all Purposes as "The Beerhouses (*Ireland*) Act, 1864."

Commencement of Act.

2. This Act shall come into operation on the First Day of *July* One thousand eight hundred and sixty-four.

Excise Officers in Ireland not to grant Licences or Renewal of Licences without producing Certificate of Justices.

3. From and after the Commencement of this Act, save as herein-after mentioned, it shall not be lawful for any Officer of Excise in *Ireland* to grant a Licence or Transfer of a Licence for the Sale of Beer by Retail, to be drunk or consumed elsewhere than on the Premises where sold, to any Person applying for such Licence or Transfer of a Licence, or to grant a Renewal of any such Licence as aforesaid to any Person applying for such Renewal, without such Person producing a Certificate signed by Two or more Justices of the Peace presiding at the Petty Sessions of the District in which such Person resides, or if in the *Dublin* Metropolitan Police District by a Divisional Justice of the District in which such Person resides, to the good Character of such Person, and the Suitability of the Premises for the Purpose of such Sale, and where the Application shall be for the Transfer of an existing Licence or the Renewal of a Licence for the same House, as shall have been licensed in the Year last immediately preceding, and which Licence shall not have been withdrawn or annulled, without a similar Certificate to the good Character of the Person applying for such Renewal, or of the Person to whom such Transfer is proposed to be made, and to the peaceable and orderly Manner in which such House had been conducted in the past Year.

Persons applying for Certificate to give Notice to Police Officers.

4. Every Person who shall apply for such Certificate as aforesaid shall give Twenty-one Days Notice in Writing to the Sub-Inspector of the District in which he resides, or in his Absence to the Head Constable, or if in the *Dublin* Metropolitan Police District to the Superintendent of Police of the Division in which such Person resides, stating the Intention of such Person to make such Application, and setting forth his Place of Residence, and the Situation and Place of the House where such Person purposes to carry on the Business of a Retailer of Beer; and in every Case where any such Person had been at any Time previously licensed for the Sale of Wine, Spirits, Beer, Ale, Cider, or other exciseable Liquors to be consumed on the Premises or elsewhere, such Notice shall set forth the last Place of Business whereat such Wine, Spirits, Beer, Ale, Cider, or other exciseable Liquors had been sold, together with the Date at which such Person had given up or otherwise discontinued the Sale thereof.

Police Officers may object to the Issue of Certificate.

5. The Sub-Inspector of the District, or in his Absence the Head Constable, or if in the *Dublin* Metropolitan Police District, the Superintendent of Police of the Division, shall be and he is hereby authorized to object before the Justices at Petty Sessions, or the Divisional Justices, as the Case may be, to the Issue of such Certificate, and the Justices shall in such Case proceed to consider, examine on Oath into, and adjudicate upon the Truth, Sufficiency, and Validity of such Objection; and if such Justices shall be satisfied of the Truth and Sufficiency of any such Objection, they may refuse to grant such Certificate.

Prohibitions, &c. now in force in Ireland with respect to Houses, which Houses may be kept open, to extend to Persons licensed, &c.

Rights, &c. of Justices to extend to this Act.

6. From and after the Commencement of this Act all the Prohibitions, Penalties, and Forfeitures now in force in *Ireland* with respect to the Hours during which licensed Houses may be lawfully kept open for the Sale of Wine, Spirits, Ale, Beer, or Cider, by Retail, to be drunk or consumed on the Premises, shall extend to and be applicable to Persons licensed to sell Beer by Retail not to be drunk or consumed upon the Premises where sold: And in like Manner all and singular the Rights, Powers, and Authorities given to any Justice of the Peace, Police Officer, or Constable, in and by the Second Section of an Act passed in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter Sixty-four, and in and by the Twelfth Section of an Act passed in the Seventeenth and Eighteenth Years of Her said Majesty, Chapter Eighty-nine, and the several Fines, Forfeitures, Pains, and Penalties contained in the said Sections in relation to the Offences therein respectively set forth, shall extend and be applicable to such licensed Persons, and the Houses and Premises in which the Sale of Beer is so carried on as fully and effectually to all Intents and Purposes as if the said Provisions of the said Sections of the said Acts had been herein repeated and specially enacted with reference to Persons licensed to sell Beer by Retail to be drunk and consumed

elsewhere than on the Premises where sold, and to the Sale of Beer by such Persons for Consumption on their Premises, save that the Mode of recovering and applying any Penalty shall be as herein-after enacted.

Penalty for selling Beer for Consumption on Premises without a Licence.

7. Every Person not being duly licensed in that Behalf who shall sell Beer for Consumption upon his Premises shall be liable for the First Offence to a Fine not exceeding Two Pounds nor less than Five Shillings, or to be imprisoned, with or without Hard Labour, for any Term not exceeding One Month nor less than One Week, and for the Second and every subsequent Offence to a Fine not exceeding Five Pounds nor less than Twenty Shillings, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Months nor less than One Month.

Penalty for tippling on Premises not licensed for Consumption on such Premises.

8. If any Person shall be found drinking or tippling, or having the Appearance of having been recently drinking or tippling, on any Premises in respect of which a Licence shall then exist authorizing the Sale of Beer but not for Consumption on such Premises, such Person may be summoned before the Justices of the Peace at Petty Sessions or Divisional Justices of the Police District of *Dublin* Metropolis, as the Case may be, or may be lawfully apprehended and brought, so soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law; and upon Conviction of his having been so drinking or tippling shall be liable for the First Offence to a Fine not exceeding Five Shillings, and for the Second and every subsequent Offence to a Fine not exceeding Ten Shillings nor less than Five Shillings.

Justices may require Production of Licences upon the Hearing of any Complaint.

9. In case any Complaint shall be laid against any Person licensed to sell Beer by Retail not to be drunk or consumed upon the Premises where sold for any Offence against the Tenour of his Licence, or for any Offence against this Act or any other Act affecting or having reference to his Licence, it shall be lawful for the Justice or Justices before whom such Complaint shall be brought to require such Person to produce his Licence before such Justice or Justices for Examination; and if such Person shall wilfully neglect or refuse so to do, he shall forfeit and pay for such Offence such Sum, not exceeding Five Pounds, as the said Justice or Justices shall think proper.

Power to Justices to mitigate Penalty annexed by this Act to Offences.

10. It shall be lawful for the Justice or Justices before whom the Case shall be heard to mitigate the Penalty annexed by this Act to any Offence, so as such Mitigation shall not in any Case reduce such Penalty to less than One Fourth thereof, and the Cause of such Mitigation shall be set forth upon such Conviction.

Wholesale Dealers in Beer who shall keep open their Premises for the Sale of Beer between 7 o'Clock in the Evening and 7 o'Clock in the Morning to be subject to Police Supervision.

11. Any Person licensed to sell Beer by Wholesale, to be consumed off the Premises where sold, who shall keep his House or Premises open for the Sale of Beer between the Hours of Seven o'Clock in the Evening and Seven o'Clock in the Morning, shall, during the said Hours, be subject to the same Supervision by Justices of the Peace, Police Officers, and Constables as Persons licensed to sell Beer by Retail to be consumed off the Premises where sold are by this Act subjected to; and all and singular the Rights, Powers, and Authorities given to any such Justice, Officer, or Constable in and by the Second Section of the Act passed in the Eighth and Ninth Years of Her Majesty's Reign, Chapter Sixty-four, and the Twelfth Section of the Act passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and the several Fines, Forfeitures, Pains, and Penalties contained in the said Sections in relation to the Offences therein respectively set forth, shall extend and be applicable to such Wholesale Dealers in Beer, and the Houses and Premises in which they shall carry on, or purport to carry on, the Sale of Beer during the Hours aforesaid, as fully and effectually, and to all Intents and Purposes, as if the said Provisions of the said Sections of the said Acts had been herein repeated and specially enacted with reference to Persons licensed to sell Beer by Wholesale, to be consumed off the Premises where sold, who shall keep open their Houses or Premises for the Sale of Beer during the Hours aforesaid, save that the Mode of recovering and applying any Penalty shall be as is herein-before provided in respect to other Penalties imposed by this Act.

Proceedings for the Recovery of Penalties, &c.

12. All Proceedings for the Recovery of Penalties incurred under this Act and the Appearance of any Witness, and the Hearing and Determination of all Complaints under this Act, shall be subject in all respects to the Provisions of the Petty Sessions (*Ireland*) Act,

Act, 1851, as the same is amended by "The Petty Sessions Clerk (*Ireland*) Act, 1858," when the Case shall be heard in any Petty Sessions District, and to the Provisions of the Acts relating to the Divisional Police Offices, when the same shall be heard in the Police District of *Dublin* Metropolis, so far as the said Provisions shall be consistent with this Act; and when any Fine or Penalty is imposed under the Provisions of this Act, such Fines and Penalties shall be paid over to such Purposes and applied in such Manner as is provided by the "Fines Act (*Ireland*), 1851," or any Act amending the same; and all such Proceedings as aforesaid may be taken by and in the Name of any Superintendent or Inspector of Police within the Police District of *Dublin* Metropolis, or by any Sub-Inspector, Head or other Constable in any other Part of *Ireland*, without any Order of the Commissioners of Inland Revenue for that Purpose.

Power to appeal to Quarter Sessions as to the granting or refusing Certificate.

13. After the Hearing and Determination by any Justice or Justices of the Peace of any Application for a Certificate either Party to the Proceedings before the said Justice or Justices may, if dissatisfied with the Decision or Judgment given thereon, appeal therefrom to the Justices assembled at the General or Quarter Sessions of the Peace to be holden for the County, City, Town, or Place in which such Decision or Judgment shall have been given, or if within the Police District of *Dublin* Metropolis, then to the Recorder of the City of *Dublin* at his next Sessions; and every Appeal from an Order granting or refusing a Certificate shall be subject to the Provisions contained in an Act passed in the Eighteenth and Nineteenth Years of the Reign of Her Majesty, Chapter Sixty-two, and in an Act passed in the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Thirty-five, and the Recognizance to be entered into shall be in the Form in the Schedule annexed to the said Act passed in the Eighteenth and Nineteenth Years of the Reign of Her Majesty, Chapter Sixty-two, or as near thereto as the Circumstances of the Case may admit; and in every Case where the Decision of a Justice granting a Certificate under the Provisions of this Act shall be reversed on Appeal, the Justices of the Peace at the General or Quarter Sessions, or the Recorder of the City of *Dublin*, as the Case may be, shall forthwith annul any Licence which shall have been granted on the Faith of such Certificate.

Where Gran of a Certificate shall be reversed, Licence to be annulled.

Parties herein named not required to produce Certificate before obtaining Grant, &c. of Licence.

14. Notwithstanding anything in this Act contained, the Persons herein-after mentioned shall not be required to produce a Certificate under this Act before obtaining the Grant, Renewal, or Transfer of a Licence for the Sale of Beer by Retail to be drunk or consumed elsewhere than on the Premises where sold; (that is to say,)

1. Any Person duly licensed to brew Beer for Sale, and who has paid on such Licence a Duty in respect of not less than One hundred Barrels of Beer;
2. Any Person not being a Brewer of Beer who is duly licensed to sell Beer only in Casks containing not less than Four and a Half Gallons, Imperial Measure, or in not less than Two Dozen reputed Quart Bottles, at One Time, to be consumed elsewhere than on his Premises;
3. Any Person duly licensed to trade in, vend, and sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper.

Definition of "Retail."

15. For the Purposes of this Act any Person who shall sell Beer in any less Quantity than Four Gallons and a Half, Imperial Standard Measure, or in any less Quantity than Two Dozen reputed Quart Bottles, at One Time, shall be deemed to sell by Retail.

CAP. XXXVI.

An Act to amend the Law relative to the Payment of the Shares of Prize and other Money belonging to deceased Officers and Soldiers of Her Majesty's Land Forces. [30th *June* 1864.]

'WHEREAS by Section Twenty-five of the Act of the Session of the Second and Third Years of King *William* the Fourth (Chapter Fifty-three), "for consolidating and amending the Laws relating to the Payment of Army Prize Money," it is enacted that

2 & 3 W. 4. c. 53.