ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

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C A P. LXVIII.

An Act to amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail in *Ireland*. [28th *August* 1833.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal the several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof, and to amend the Law for granting Excise Licences*, it is amongst other things enacted, that no Excise Licence shall be granted under or by Authority of that Act for the Sale of any Beer, Cider, or Perry by Retail, to be drank or consumed in the House or Premises of the Person or Persons applying for such Licence, to any Person or Persons who shall not produce, at the Time of applying for such Licence, a Certificate or Authority then in force, to him, her, or them in that Behalf granted in due Form of Law by Justices of the Peace or Magistrates, or other competent Persons, for such Person or Persons applying for such Licence to keep a common Inn, Alehouse, or Victualling House; and any Licence granted to any other Person than aforesaid is declared to be null and void: And whereas the Laws for granting such Certificate or Authority by the Justices of the Peace and Magistrates in *Ireland* have become confused, doubtful, and complicated, and the requiring the said Certificate or Authority imposes great Difficulties and Hardships on Persons applying to be so licensed, and it is expedient to amend the said Laws, and to authorize the proper Officers 6 G. 4. c. 81.

of Excise in *Ireland* to grant such Licences as aforesaid to the same Persons and at or for the same Houses as shall have been licensed in the Year last immediately preceding, without requiring the Production of any such Certificate or Authority: And whereas the Laws for regulating the Conduct of Persons licensed to sell Wine, Spirits, Beer, Ale, and Cider by Retail in *Ireland*, to be drank or consumed on the Premises, have become very numerous and complicated, and it would greatly tend to the public Benefit to amend and simplify the same, and for that Purpose to collect into One Act the several Regulations and Provisions thereof: 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,

The proper Officer of Excise shall grant Licences to Persons licensed in the Year preceding, upon Production of a Certificate of good Character, without any Authority from Justices of the Peace.

That from and after the Tenth Day of *October* One thousand eight hundred and thirty-three it shall and may be lawful for the proper Officers of Excise in *Ireland* to grant to the same Persons and at and for the same Houses as shall have been licensed in the Year last immediately preceding, and whose Licence shall not have been withdrawn or annulled, upon the Production of a Certificate signed by Six Householders of the Parish (Two of them being Residents of the same or next adjoining Townland, or Street if in a City or Town, in which such House is situate,) to the good Character of the Applicant, and to the peaceable and orderly Manner in which said House has been conducted in the past Year, a Licence or Licences for the Sale of Beer, Cider, and Spirits, under the Provisions of the said recited Act, to sell in *Ireland* by Retail, in any House specified in such Licence, Beer, Cider, and Spirits respectively to be consumed in such House, without requiring the Production of any Certificate or other Authority from any Justice or Justices of the Peace, Magistrate, or other Person or Persons whatever, on the Persons respectively applying for such Licences complying with the Conditions of this Act; 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.

Notice to be given to Two Magistrates, to the Churchwardens, and to Clerk of the Peace, 21 Days before Application is made to the Sessions, by any Person not before licensed, stating Particulars of Situation, &c., with Names of Sureties.

II. And in lieu of the Provisions now or heretofore in force for regulating Applications to Justices in order to obtain Licences for the Sale of Beer, Cider, or Spirits by Retail; be it further enacted, That henceforward every Person in *Ireland* who shall not have been duly licensed in the preceding Year to sell Beer, Cider, or Spirits, to be consumed in the House where sold, and who shall intend to apply for an Excise Licence, under the Provisions of this Act and of the said recited Act, for the Sale of Beer, Cider, or Spirits by Retail, to be consumed as aforesaid, shall, Twenty-one Days at least before the first Day of the then next General Sessions of the Peace to be held for the District within which the House for which such Person shall desire to be licensed shall be situate, give or cause to be given to each of the Two next resident Magistrates, and to each of the Churchwardens of the Parish or Union wherein such House shall be situate, and to the Clerk of the Peace for the County or County of a City or County of a Town in which such House shall be situate, severally and respectively, a Notice in Writing, signed by such Person, stating the Intention of such Person to make such Application,

and setting forth the Situation and Place of such House, as well in respect to the Road or Highway on or adjacent to which it lies, or otherwise, in a true and particular Manner, specifying the Town, Townland, Parish, Barony, Half Barony, and if in a City or Town the Street, Square, Lane, or other Description of Place, together with the Number of such House if such House shall have been numbered, and also the Place of Abode of such Person, and the Names and Places of Abode of the Persons whom such Person requiring such Licence proposes as Sureties; and such Churchwardens shall cause a Copy of every such Notice to be posted upon the principal and most usual Place for posting Notices within or for such Parish or Union; and every such Clerk of the Peace shall file and keep such Notice given to him, and shall, Ten Days at the least previous to such Quarter Sessions of the Peace, make out a List of the Names of all such Applicants, with their Place of Abode, and the Situation and Description, as contained in such Notice, of the House for which such Person shall desire to be licensed, and the Names and Places of Abode of the Persons proposed as Sureties for each such Person requiring such Licence, and transmit a Copy of such List to every Magistrate resident within such City or Town, and to the Clerk of every Petty Sessions within such County.

Clerk of the Peace shall, Ten Days before Sessions, make out a List of Applicants and their Sureties, and transmit the same to the Magistrates.

III. And be it further enacted, That upon a certain Day and Hour during such ensuing Quarter Sessions, to be fixed by Rule of said Court, the Names of all such Applicants, together with their Places of Abode, shall be severally called aloud, in alphabetical Order, in open Court, by the Officer of said Court, and Proclamation made of each such Application, and Demand made whether any one has or knows of any Objection to or why such Application should not be allowed or Licence granted.

A Day and Hour during Sessions to be fixed for calling out Names of Applicants, &c.

IV. And be it further enacted, That it shall and may be lawful for any Justice of the Peace of said City, Town, or County, Churchwarden or other Inhabitant of said Parish, previously to transmit or then and there to deliver in Writing to said Clerk of the Peace, or orally to state to said Justices in Sessions assembled, any Matter or Objection to such Application, whether grounded upon the Character, Misconduct, or Unfitness of the Applicant, Unfitness or Inconvenience of the House or Place, or Number of previously licensed Houses in the Neighbourhood; and that if any such Objection shall be so transmitted or made, an Entry thereof shall then be recorded by the Clerk of the Peace; and the Justices in such Sessions assembled shall then, or at some other convenient Time to be appointed, proceed to consider, examine into, and adjudicate upon the Truth, Sufficiency, and Validity of such Objection, and for that Purpose to examine on Oath such Applicant or other Person as they may deem fit; and if such Justices shall be thereupon satisfied of the Truth and Sufficiency of such Objection, and shall deem it improper to intrust such Applicant with a Licence for such House, they shall, by Order in Writing to be duly entered by the Clerk of the Peace, prohibit such Licence to be issued, and therein declare the Reason or Ground of such Prohibition.

Certain Persons authorized to object to Licences.

Justices shall examine into Objections made to the granting of Licences, and adjudicate thereupon.

V. And

Clerk of the Peace shall deliver Certificates to the Persons entitled thereto.

V. And be it further enacted, That upon each Application being disposed of by the Justices attending at such Sessions it shall be lawful for the Clerk of the Peace or his Deputy, and he is hereby required, to give or cause to be given to the Person entitled thereto a Certificate in the Form following:

'I *A. B.*, Clerk of the Peace of do certify, That *C. D.* is [*or C. D.* and *E. F.* are] duly entitled to receive a Licence for the Sale of Beer, Cider, *or* Spirits [*as the Case may be*] by Retail at in the Parish of [*or if extra-parochial*, in the Townland of], in this County [County of a Town *or* City, *as the Case may be*].

'Dated this Day of .

'*A. B.* Clerk of the Peace for .'

And every such Clerk of the Peace shall for the issuing of such Certificate be entitled to demand and receive the Sum of Two Shillings and Sixpence, and no more, as a Fee, before he shall sign or deliver such Certificate.

Licences may be granted to Persons not previously licensed, who shall produce a Certificate and pay the Licence Duty.

VI. And be it further enacted, That it shall and may be lawful for the proper Officers of Excise in *Ireland*, within their respective Districts, to grant, under the Provisions of the said recited Act, a Licence or Licences for the Sale of Beer, Cider, and Spirits, to sell in *Ireland* by Retail, in any House specified in such Licence, Beer, Cider, and Spirits respectively, to be consumed in such House or elsewhere, to any Person, though not licensed the Year preceding, whom the Justices of the Peace for the City, Town, County, or District within which such House is situate, in Quarter Sessions assembled as hereinbefore provided, shall not deem it improper to intrust with such Licence, and to whom they shall not, by Order there made, prohibit such Licence to be issued, upon the Person applying for such Licence producing such Certificate as aforesaid to such Officer of Excise, and complying with the other Conditions of this Act, and upon the Execution by such Person and his Sureties of the Bond herein-after mentioned, such Person first paying for such Licence or Licences the Duties of Excise for and in respect of such Licence or Licences, according to the Rate and in the Manner prescribed by the said recited Act, or any other Act or Acts then in force with respect to such Licences.

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

VII. And be it further enacted, That it shall not be lawful for any Collector or Supervisor of Excise to grant or deliver any such Licence as aforesaid, unless the Person applying for the same shall enter into a Bond to His Majesty, His Heirs and Successors, in the Sum of Fifty Pounds, with Two sufficient Sureties in the Sum of Twenty-five Pounds each, if such Person shall apply for a Licence to sell Spirits, as well as a Licence to sell Beer and Cider, in any House situate in any Part of the County of the City of *Dublin* or County of *Dublin* which lies within the Circular Road, and in the Sum of Twenty-five Pounds, with Two sufficient Sureties in the Sum of Ten Pounds each, if such Person shall apply for a Licence to sell Spirits in any other Part of *Ireland*, such Sureties to be the Persons named in the Application of the Party requiring the Licence; and such

such Bond shall be executed by such Person and his Sureties, and be conditioned for the Payment, by such Person or his Sureties, of all Penalties or Sums of Money which shall be incurred or become due for any Offence against this Act by the Person to whom such Licence shall be granted.

Magistrates may annul Licences held by Persons convicted of Misdemeanor or of Offences of a higher Nature.

VIII. And be it further enacted, That if any Person licensed to sell Beer, Cider, or Spirits by Retail shall, during the Continuance of such Licence or Licences, be convicted of any Misdeameanor, or of any Offence of a higher Nature, or shall be duly convicted of any Three several Offences under the Provisions of this Act or any of them, which Three Offences shall have been committed within the Space of Two Months, then and in every such Case it shall and may be lawful for the Justices of the Peace within whose Jurisdiction such Person shall be licensed to sell Spirits or Beer, assembled at any Quarter Sessions or Adjournment thereof, if they shall so think fit, by Order in open Court made upon due Notice, to annul the Licence held by such Person; and if any such Person whose Licence or Licences shall be so annulled, and on whom a Notice shall have been served of the same being annulled, signed by the said Magistrates or any Two of them, shall sell by Retail any Spirits or Beer, every such Person shall be subject to the same Penalties as Persons selling Beer, Cider, or Spirits without having obtained a Licence for that Purpose are by Law liable.

Persons licensed to sell Spirits and Beer shall be entitled to a Licence to sell Wine.

IX. And be it further enacted, That every Person licensed under this Act to sell Beer, Cider, and Spirits by Retail shall, so long as he shall continue so licensed, be entitled to take out a Licence to sell Foreign Wine by Retail in the same House or Premises in which he shall be licensed to sell Beer, Cider, and Spirits, without entering into any further or additional Bond.

Persons obtaining Licences shall enter their Names with the Clerk of the Peace.

X. And be it further enacted, That every Person who shall obtain a Licence to sell Spirits, Beer, or Cider by Retail, to be consumed in the House where sold, shall, within Six Days next after he shall have so obtained such Licence, deliver or cause to be delivered to the Clerk of the Peace for the County, City, or Town within which the House specified in such Licence shall be situate, a Note in Writing, under the Hand of such Person, or under the Hand of some Person by him authorized in that Behalf, in which shall be specified, set forth, and inserted the Christian and Surname and Place of Abode of such Person, and a Description of the House and Premises in which Spirits, Beer, or Cider are licensed to be sold by such Person, and the Place where such House and Premises shall be situate, together with the Christian Name and Surname and the Occupation or Profession and actual Residence of each of the Persons who shall have become Sureties for such licensed Person; and such licensed Person shall pay or cause to be paid to such Clerk of the Peace the Sum of Two Shillings and Sixpence; and if any Person who shall have obtained such Licence as aforesaid shall not, within the Time and in the Manner herein-before directed, deliver or cause to be delivered such Note in Writing as aforesaid, every such Person shall forfeit and lose the Sum of Ten Pounds.

Register of Licences to be kept by the Clerk of the Peace.

XI. And be it further enacted, That a List or Register of every Licence so to be granted for selling by Retail any Beer, Cider, or Perry, or Spirits, to be drank or consumed on the Premises, specifying the Name and Place of Abode of every Person licensed, and of each of his Sureties, and the Description and Situation of the House or Place mentioned in such Licence, shall be kept at the Office of the Clerk of the Peace for the County, County of a City, or County of a Town, as the Case may be, which List or Register shall at all reasonable Times be produced to and shall be open to the Inspection and Perusal of every Magistrate within whose Jurisdiction the House or Place specified in each Licence respectively shall be situate; and any Copy of or Extract from any such List or Register, which shall or may be at any Time required by any such Magistrate as aforesaid, shall be given to him by such Clerk of the Peace.

Persons who obtain Licences for the Sale of Spirits within the Police District of Dublin shall enter their Names, &c. at the Head Police Office, and pay 10*s.* to Receiver of public Offices, under a Penalty of 2*l.*

XII. And be it further enacted, That every Person who shall obtain or renew under this Act a Licence to sell Spirits in any House or Premises situate within the Police District of *Dublin* Metropolis shall, within Ten Days next after he shall have so obtained or renewed such Licence, deliver or cause to be delivered to the Divisional Justices of the Castle Division of the said Police District, or to some Clerk at the Head Office of Police of the said District, a Note in Writing under the Hand of such Person, or some Person by him authorized in that Behalf, in which shall be specified, set forth, and contained the Christian and Surname and Place of Abode of such Person, and the Situation and Description of the House and Premises in which Spirits are licensed to be sold by such Person, together with the Names, Description, and Residence of the existing Sureties for such Person under this Act; and such licensed Person shall pay or cause to be paid to the Receiver of the public Offices in the said Police District of *Dublin* Metropolis the Sum of Ten Shillings; and all Sums so paid to the Receiver shall go in aid of the Funds of the Police District of *Dublin* Metropolis; and if any Person who shall have obtained or renewed a Licence under this Act to sell Beer and Spirits within the said Police District shall not, within the Time and in the Manner herein-before directed, deliver or cause to be delivered such Note in Writing as aforesaid, or shall neglect to pay or cause to be paid the said Sum of Ten Shillings, every such Person shall forfeit and lose the Sum of Two Pounds.

No Distiller, Brewer, Bailiff, &c. shall hold a Licence for the Sale of Beer &c.

XIII. And be it further enacted, That no Distiller, Brewer, Rectifier or Compounder of Spirits, Bailiff, Gaoler, Turnkey, Constable, Sheriff, Sub-Sheriff, Sheriff's Officer, Peace Officer, or Keeper of any Turnpike Gate, nor any Person not being a Householder, shall be capable of receiving or holding a Licence to sell Beer, Cider, or Spirits by Retail, to be drank or consumed on the Premises.

Retailers Houses shall not be open for the Sale of Spirits between 11 at Night and 7 in the Morn-

XIV. And be it further enacted, That no Person selling or licensed to sell Beer or Cider, Spirits or Wine, by Retail, to be drank or consumed on the Premises, shall have or keep his House or other Place of Sale open for the Sale of Spirits, Wine, or Beer, nor shall sell or retail Spirits, Wine, or Beer, nor shall suffer any Spirits, Wine, or Beer to be drank or consumed in or at such House or other Place,

at any Time between the Hours of Eleven of the Clock in the Night and Seven of the Clock in the Morning, nor at any Time before Two 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 or other Place of Sale open for selling or shall sell Spirits, Wine, or Beer at any Time between the Hour of Eleven of the Clock at Night and the Hour of Seven of the Clock in the Morning, or at any Time before Two 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 Two Pounds for any such Offence; and every separate Sale shall be deemed a separate Offence, and all Sales on any one Day shall be deemed and considered and may be prosecuted as separate Offences: Provided always, that nothing herein contained shall extend to prohibit the Sale of Spirits, Wine, or Beer to a Traveller.

ing, nor before Two in the Afternoon on Sundays, Christmas-day, or Good Friday.

Exception as to Travellers.

XV. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, or for any Chief Constable, or for any Churchwarden or Overseer herein-after mentioned, or for any Constable authorized for the Purpose by any such Justice, within the Limits of his Jurisdiction, to enter into any House or Place kept by any Person selling or having a Licence to sell Spirits, Wine, or Beer by Retail, at any Time between the Hours of Eleven of the Clock on *Saturday* Night and Two of the Clock in the Afternoon of *Sunday*, or between the Hours of Eleven of the Clock on any other Night and Seven of the Clock in the Morning, and to remove from and put out of such House or Place any Person who shall be so found within such prohibited Hours in such House or Place (not being a Lodger or Inmate of such House or Place), and who shall appear to be or to have recently been drinking, tippling, or gaming therein; and that if any such Person shall not, when thereto required by such Justice of the Peace, Chief or other Constable, Churchwarden, or Overseer as aforesaid, remove from and quit such House, or shall forcibly resist such Justice, Constable, Churchwarden, or Overseer, it shall and may be lawful for any Constable, Churchwarden, or Overseer to apprehend and take into Custody any such Person so offending, and to carry and convey, or cause to be carried and conveyed, every and any such Person so apprehended before any Justice of the Peace within whose Jurisdiction such House or Place shall be situate, to be dealt with according to Law; and every such Person who shall so neglect or refuse to remove from or quit such House, or shall so forcibly resist such Justice, Constable, Churchwarden, or Overseer, being duly convicted of such Offence, shall thereupon for every such Offence forfeit any Sum not exceeding Twenty Shillings nor less than Five Shillings; and if any Offender so convicted shall not forthwith pay the Sum so forfeited, such Offender shall be committed to the House of Correction for any Time not exceeding One Week.

Justices and Constables may enter into any House in which Spirits or Beer is sold, and put out Persons tippling or gaming at prohibited Hours.

Persons not quitting, or resisting Justices, &c., may be apprehended.

XVI. And be it enacted, That if any Offender convicted in manner aforesaid shall be a Soldier on Full Pay, and attached to any Regiment in His Majesty's Service stationed or being within the Jurisdiction of such Justice, a Communication of such Conviction shall

If a Soldier offends, Justice to communicate the same to

the Commanding Officer.

shall be forthwith made by such Justice to the Commanding Officer of such Regiment, and the Offender so convicted shall be detained until delivered over to the Commanding Officer, or his Order, to be amenable to Military Discipline.

Penalty on Persons selling Beer, &c. opposing the Entry of Justices, &c. 10*l.*

XVII. And be it further enacted, That if any Person selling or licensed to sell Spirits, Wine, or Beer by Retail, or any Person aiding or assisting such Retailer, shall prevent or endeavour to prevent, by Threats or Violence or otherwise, any such Justice, or Chief or other Constable, Churchwarden, or Overseer, in that Behalf authorized under this Act, from entering any House or Place, or for searching for any such Person or Persons as aforesaid, or shall assault or otherwise resist any such Justice, or Chief or other Constable, Churchwarden, or Overseer as aforesaid, every such Person so offending shall forfeit and lose a Sum not exceeding the Sum of Ten Pounds.

Penalty on Persons refusing to admit Justices, &c. 2*l.*

XVIII. And be it further enacted, That if any Person selling or licensed to sell Spirits, Wine, or Beer shall for the Space of Ten Minutes after Demand made of Entrance delay or neglect to admit any Justice, or Chief or other Constable, Churchwarden, or Overseer as aforesaid into any House or Place of such Person, for the Purpose of making such Search as aforesaid, such Person so offending shall forfeit and lose a Sum not exceeding the Sum of Two Pounds.

Penalty if Persons are found tippling or gaming at prohibited Hours 2*l.*

XIX. And be it further enacted, That every Person selling or licensed to sell Spirits, Wine, or Beer by Retail, in whose House or Place any Person shall be found to be or to have been recently drinking, tippling, or gaming at any Hour or Time at which the Sale of Spirits or Beer is prohibited by this Act, shall upon Conviction thereof forfeit and pay the Sum of Two Pounds.

Parishioners in Vestry may appoint Overseers of Public Houses, who shall have the same Power as Peace Officers.

XX. And be it further enacted, That it shall be lawful for the Parishioners of the several Parishes in *Ireland* at Vestry assembled, once in every Year, or oftener if necessary, to appoint such Number of Persons, not exceeding Five, as to them shall seem meet, to be Overseers of Persons and Houses in which Spirits or Beer shall be sold by Retail within every such Parish respectively; and every Overseer so appointed shall have as full and ample Power and Authority for carrying the Provisions of this Act into execution within such Parish as any Constable or other Peace Officer hath or may have by virtue of this Act; and every such Overseer shall for the Purposes of this Act be and be deemed and taken to be a Constable or Peace Officer.

Houses to be closed by Order of Justices in case of Riot.

XXI. And be it further enacted, That it shall be lawful for any One Justice acting for any County, City, or Place where any Riot or Tumult shall happen, or for any Two or more Justices where any Riot or Tumult shall be apprehended and expected to take place, to order or direct that every Person selling Spirits or Beer by Retail, and keeping any House or Place for that Purpose, situate within their respective Jurisdictions, and in or near the Place where such Riot or Tumult shall happen or be expected to take place, shall close his House or Place at any Time and for such Length of Time as such Justice

Justice or Justices shall order or direct; and every Person to whom such Order shall be given, and who shall keep open such House or other Place in violation of such Order, shall forfeit and lose the Sum of Two Pounds.

Penalties may be recovered by Information before Justices of the Peace.

XXII. And be it further enacted, That for the Recovery of any Penalty imposed by this Act (and for the Recovery of which no other Provision is hereby made) an Information may be exhibited by any Person whomsoever before any One or more of His Majesty's Justices of the Peace for the County, City, Town, or Place wherein the Offence shall have been committed or the Person or Persons committing the same shall be found; and such Information shall and may be heard, adjudged, and determined within the District of *Dublin* Metropolis by any Two Divisional Justices in some one of the public Offices therein, and in every other Part of *Ireland* by any Two or more of His Majesty's Justices of the Peace for such County, City, Town, or Place, in Petty Sessions assembled; and any Two or more of such Divisional Justices or Justices of the Peace shall and they are hereby authorized and required, upon such Information having been so exhibited as aforesaid, and upon the Appearance of the Person and Persons against whom such Information shall have been exhibited, or, in default of such Appearance, upon Proof of the Service of such Summons on such Person or Persons as herein-after mentioned, to proceed to the Examination of the Fact or Facts in such Information alleged, and to give Judgment for any such Penalty or Penalties which, upon the due Examination of One or more credible Witness or Witnesses upon Oath (and which Oath the said Justices are hereby authorized and empowered to administer), or upon the voluntary Confession of the Party accused, shall be found to have been incurred, together with the legal Costs of the Conviction; and such Justices respectively shall and they are hereby authorized and required thereupon to award and grant a Warrant or Warrants under their Hands for the due Execution of and carrying into effect as herein-after mentioned such Judgment.

Information to be laid within One Month after Offence, and Notice thereof given within a Week after. Parties to be summoned to appear.

XXIII. And be it further enacted, That every such Information as aforesaid shall be exhibited within One Calendar Month next after the Offence alleged in such Information shall have been committed; and a Notice in Writing of such Information having been so exhibited shall within One Week after the Exhibition thereof be given to the Person or Persons against whom the same shall have been so exhibited; and the Justice or Justices of the Peace before whom any such Information shall have been exhibited as aforesaid are hereby respectively authorized and required to summon every Person against whom any such Information shall have been exhibited to appear and plead to and to attend the Hearing of such Information at a Time and Place to be stated in such Summons, which Summons shall be served upon every such Person or Persons Two Days at least before the Time appointed in such Summons.

Justices of the Peace may mitigate Penalty.

XXIV. And be it further enacted, That it shall be lawful for such Justice or Justices of the Peace respectively to mitigate any Penalty annexed by this Act to the Offence for which any Informa-

tion shall have been exhibited before such Justice or Justices respectively, so as such Mitigation shall not in any Case reduce such Penalty to less than One Fourth thereof; and that the Cause of such Mitigation shall be set forth upon such Conviction.

Appeal.

XXV. And be it further enacted, That in case any Person or Persons against whom any Information shall have been exhibited under this Act shall feel aggrieved by the Judgment given thereon, it shall be lawful for such Person or Persons, upon giving such Notice as herein-after mentioned, to appeal therefrom to the Justices assembled at the next General or Quarter Sessions of the Peace, or if there be not One Week between the Time of the Adjudication and the next General Quarter Sessions, then to the General Quarter Sessions of the Peace next after the Expiration of such Week, to be holden in and for the County, City, Town, or Place in which such Judgment so appealed against shall have been given; and it shall be lawful for the Justices of the Peace at such General or Quarter Sessions to hear, adjudge, and finally determine such Appeal; and if upon any such Appeal any Defect in Form shall be found in the Information, or in any Part of the Proceedings thereon or relating thereto, or in the Record thereof, every such Defect of Form shall and may thereupon be rectified and amended by Order of such Justices or the major Part of them assembled at such General or Quarter Sessions, any thing in this or any other Act or Acts of Parliament to the contrary notwithstanding.

Defects of Form cured upon Appeal.

No Appeal allowed unless Notice thereof given.

XXVI. Provided always, and be it enacted, That no such Appeal as aforesaid shall be allowed unless the Party or Parties Appellant shall, within Forty-eight Hours after the giving of the Judgment appealed against, give Notice in Writing of such Appeal to the Clerk of the Justices or Sessions from whose Judgment such Appeal shall be made, and shall lodge such Notice at the Office or with the Clerk of the Peace at such General or Quarter Sessions as aforesaid respectively by and before whom such Appeal is to be finally adjudged and determined: Provided also, that nothing herein or in any other Act of Parliament contained shall be deemed or construed to deprive any Person or Persons who shall feel aggrieved by any Conviction, Order, or Proceeding made or had under this Act, of the Writ of Certiorari in respect thereof.

Execution shall not be stayed unless the Party convicted shall give Security by Recognizance to prosecute Appeal.

XXVII. And be it enacted, That no Appeal shall stay or prevent the Execution of any Warrant or Process on any Conviction unless the Party convicted shall before the convicting Justice or Justices enter into a Recognizance, with Two sufficient Sureties, in a Sum equal to Double the Amount of the Penalty or Penalties in which the said Party shall have been convicted, and of the Costs awarded, if any, which Recognizance shall be conditioned, that the Party so appealing shall personally appear at the proper General Quarter Sessions, and abide the Judgment of the Court thereupon, and pay such Costs, if any, as shall be by the Court awarded; which Recognizance such Justice or Justices is and are hereby authorized to require and take of the Party convicted entering into such Recognizance; and the Justice or Justices who shall take such Recognizances

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is and are also hereby required to bind the Person who shall make the Charge on which such Judgment shall have been given in a Recognizance conditioned that he shall appear at such General or Quarter Sessions aforesaid, then and there to give Evidence against the Person so charged, and to in like Manner bind any other Person who shall have any Knowledge of the Circumstances of such Offence.

Justices at Quarter Sessions, on Appeal, to examine only the Evidence before given, and in case of any new Judgment to have the like Power of mitigating as the original Justices.

XXVIII. And be it further enacted, That upon every such Appeal as aforesaid it shall be lawful for the Justices of the Peace at the General or Quarter Sessions to rehear upon Oath the Merits of the Case whereon the original Judgment appealed against shall have been given, and to reverse or confirm in the whole or in part the Judgment appealed against, or to give such new or different Judgment as they in their Discretion shall in that Behalf think fit; and such Justices of the Peace at General Quarter Sessions shall in such new or different Judgment have the same Power of mitigating as is hereinbefore by this Act given to Justices in Judgments given by them: Provided always, that it shall be lawful for such Justices of the Peace at such General Quarter Sessions as aforesaid, at their Discretion, to state specially the Facts of any Case on which such Appeal shall be made, for the Opinion of His Majesty's Court of King's Bench in *Ireland*.

Court to adjudge Costs in case of Dismissal or Abandonment of Appeal.

XXIX. And be it further enacted, That when any such Appeal shall be dismissed, or the Adjudication appealed against shall be affirmed, or such Appeal shall be abandoned, it shall be lawful for the Court to which such Appeal shall have been made or intended to be made to adjudge and order that the Party appealing shall pay to the Party in whose Favour such Adjudication has been made such reasonable Costs as shall in the Opinion of such Court be meet.

Penalty on Witnesses not attending.

XXX. And be it further enacted, That any Person duly and necessarily summoned as a Witness to give Evidence before any Justice or Justices, or any Court of General or Quarter 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 Justice or Justices, or Sessions, or who appearing shall refuse to be examined on Oath or Affirmation, and give Evidence, shall forfeit the Sum of Two Pounds, which Sum shall be levied, recovered, and enforced in like Manner as any Penalty imposed by this Act.

Proceedings upon Determination of Appeal.

XXXI. And be it further enacted, That where any Judgment appealed against under this Act shall be affirmed, such Judgment may be enforced and executed by the original convicting Justice or Justices of the Peace respectively in like Manner as if there had been no Appeal.

Justices shall grant Warrants for the levying of

XXXII. And be it further enacted, That where any Judgment not appealed from, or any Judgment affirmed on Appeal, is by this Act required to be enforced and executed by the Justice or Justices by

Penalties or Judgments to be enforced by them.

by whom the same shall have been given, it shall be lawful for such Justice or Justices of the Peace, and he or they is and are required hereby, to award and grant a Warrant or Warrants under his or their Hand or Hands to any Constable or Peace Officer authorizing such Constable or Peace Officer to levy the Penalty or Penalties or Sum or Sums of Money so adjudged upon the Goods and Chattels of such Person or Persons so convicted, and either to detain and keep such Goods and Chattels in the House or Place where the same shall have been found, or to remove the same to some convenient Place of Safety.

Justices at Quarter Sessions shall grant Warrants for the Levy of Penalties on Judgments to be enforced by them.

XXXIII. And be it further enacted, That where any Judgment is by this Act required to be awarded, enforced, and executed by the Justices of the Peace at the General Quarter Sessions, on Appeal or otherwise, it shall be lawful for such Justices of the Peace at the General Quarter Sessions, and they are hereby authorized and required, to award and grant a Warrant or Warrants under their Hands, or under the Hands of any Two Justices respectively, to any Constable or Peace Officer, authorizing such Constable or Peace Officer to levy the Penalty or Penalties or Sum or Sums of Money so adjudged upon the Goods and Chattels of such Person or Persons so convicted, and either to detain and keep such Goods and Chattels in the House or Place where the same shall have been found, or to remove the same to some convenient Place of Safety.

In Levy Warrants, any Time not less than Six nor exceeding Ten Days, may be appointed for Sale of Distress.

XXXIV. And be it further enacted, That it shall be lawful in any such Levy Warrant to order and direct therein that the Goods and Chattels upon which such Levy shall be made shall be sold and disposed of so soon as conveniently may be after a certain Time to be limited in such Warrant for the Sale thereof (so as that such Time be not less than Six Days nor more than Ten Days from the Day of Seizure), unless the Penalty or Penalties or Sum and Sums of Money for which such Levy shall be made shall, within the Time limited for the Payment thereof as aforesaid, be paid and satisfied.

Penalty and Expences to be deducted from the Sale, and the Overplus to be returned.

XXXV. And be it further enacted, That it shall be lawful for the Constable or Peace Officer making such Levy, and he is hereby empowered and required, to deduct the Penalty and Penalties or Sum and Sums of Money for which such Levy shall be made, and all reasonable Charges and Expences attending such Levy, not exceeding One Shilling in the Pound on the Amount specified in such Warrant, out of the Money arising by such Sale as aforesaid, and to return the Overplus, if any, to the Proprietor or Proprietors of the Goods and Chattels upon which such Levy shall have been made, or to the Person legally entitled thereto; and such Officer shall, if required, show such Warrant to the Person upon whose Goods and Chattels such Levy shall be made, and shall suffer such Person or Persons to take a Copy thereof.

A Copy of the Warrant may be taken.

Where sufficient Distress cannot be found, a

XXXVI. And be it further enacted, That for Want of sufficient Goods and Chattels whereon such Penalty and Penalties or Sum and Sums of Money, with the Charges and Expences aforesaid, may be levied, and on a Return in Writing made upon any Levy Warrant

by any Constable or Peace Officer to whom such Warrant may have been directed, to the Justices by whom such Warrant shall have been granted, or to any Two or more of the Justices of the Peace within whose Jurisdiction any such Warrant shall have been issued, that such Constable or Peace Officer cannot find, within the Jurisdiction in which such Warrant shall have been issued, any Goods and Chattels of the Person against whom such Warrant shall have been granted whereon the same can be levied, or on a Return as aforesaid, that Part of such Penalty and Penalties or Sum and Sums of Money, Charges, and Expences, has been levied or paid, and that the Constable or Peace Officer cannot find any further Goods and Chattels of the Person or Persons against whom such Warrant shall have been granted beyond the Goods and Chattels already seized and sold as aforesaid, within the Jurisdiction as aforesaid, whereon the Residue of such Penalty and Penalties or Sum and Sums of Money, Charges, and Expences can be levied, it shall be lawful for such Justices to commit such Person to the Common Gaol or to the House of Correction of the County or Place for which such Justices shall then be acting for any Term not exceeding One Calendar Month if the Penalty or Penalties or Sum remaining due on Foot thereof shall not be above Five Pounds, for any Term not exceeding Two Calendar Months if the Penalty or Penalties or the Sum remaining due on the Foot thereof shall be above Five 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 or Penalties or Sum remaining due on Foot thereof, if such Offender shall pay or cause to be paid to the Gaoler or Keeper of the Goal or House of Correction, or to whomsoever such Justice or Justices shall have appointed, the Penalty or Penalties or Sum remaining due on Foot thereof, 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.

Warrant may issue for the Arrest of the Person.

Proviso for Offenders paying Penalty to Gaolers.

XXXVII. And be it further enacted, That in case any Person convicted of any Offence against this Act shall not pay the Penalty and Costs awarded by such Conviction, or upon any Appeal therefrom, it shall be lawful for the Justice or Justices in Quarter Sessions assembled convicting such Offender, after the Expiration of One Calendar Month next after such Conviction or Order, in case of Appeal, to summon any Surety or Sureties named in the Bond or Recognizance entered into and executed by such Person and his Surety or Sureties at the Time of obtaining his Licence or making such Appeal, to appear before the said Justice or Justices, and show Cause why the Penalty mentioned in such Bond or Recognizance should not be paid by such Surety or Sureties, or so much thereof as shall be sufficient to pay any Penalty or Costs so incurred, or to satisfy so much of such Penalty or Costs as shall remain unpaid; and in case any such Surety shall not show any sufficient Cause to the contrary, it shall be lawful for such Justice or 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 Justice

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

or Justices to issue a Warrant, and 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.

No Conviction shall be quashed for Want of Form.

XXXVIII. 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; and no Warrant of Commitment shall be held void by reason of any mere formal Defect therein, provided that it be therein alleged that the Party has been convicted, and that there be a good and valid Conviction to sustain the same.

Application of Penalties.

XXXIX. And be it further enacted, That one Moiety of every Fine, Penalty, and Forfeiture by this Act imposed, and not expressly directed to be otherwise applied, shall, after deducting all further necessary Charges of Levy not herein-before provided for, be paid to the Use of His Majesty, His Heirs and Successors, and the other Moiety to him who shall inform, discover, or sue for the same, or to the Poor of the Parish in which such Offence shall have been committed, at the Discretion of the Justices who shall award the same.

Anything heretofore passed repugnant to this Act, repealed.

XL. Provided always, and be it further enacted, That every Provision, Clause, Matter, and Thing contained in any Statute heretofore passed repugnant to the Provisions of this Act or any of them, or for or in lieu of which Provision is hereby made (if any such there be), be and the same are hereby repealed.

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