

ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

****

CAP. XXXV.

An Act to amend the Acts for the Regulation of Public Houses in *Scotland*. [7th *July* 1862.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to regulate the granting of Certificates by Justices of the Peace and Magistrates, authorizing Persons to keep Common Inns, Alehouses, and Victualling Houses in* Scotland, *in which Ale, Beer, Spirits, Wine, and other Exciseable Liquors may be sold by Retail under Excise Licences, and for the better Regulation of such Houses, and for the Prevention of such Houses being kept without such Certificate;* and another Act was passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Public Houses in* Scotland: And whereas it is expedient to amend the said Acts, and to make Provision for more effectually preventing the Sale of Exciseable Liquors without Certificate and Licence, and for other Purposes relating thereto: 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:

9 G. 4. c. 58.

16 & 17 Vict. c. 67.

1. The Magistrates of Burghs shall meet for granting and renewing Certificates for the Sale of Exciseable Liquors within the Bounds

Regulating Period for granting Certificates.

Bounds of such Burghs upon the Second *Tuesday* of *April* and the Third *Tuesday* in *October* in each Year, and the Justices of the Peace for the several Counties or Districts shall meet for granting and renewing Certificates for the Sale of Exciseable Liquors within such several Counties or Districts on the Third *Tuesday* of *April* and the last *Tuesday* of *October* in each Year; and it shall be lawful for such Magistrates and Justices respectively to adjourn such Meetings from Time to Time, as they shall think fit, during the Period of One Month next after the Day of their First Meeting, but no longer.

Forms of Certificates.

2. The Forms of Certificates contained in Schedule (A.) to this Act annexed shall come in place of the Forms of Certificates provided by the recited Acts or either of them; and it shall be lawful for the Justices of the Peace for any County or District, or the Magistrates of any Burgh, where they shall deem it inexpedient to grant to any Person a Certificate in the Form applied for, to grant him a Certificate in any other of the Forms contained in the said Schedule: Provided always, that in any particular Locality within any County or District or Burgh requiring other Hours for opening and closing Inns and Hotels and Public Houses than those specified in the Forms of Certificates in said Schedule applicable thereto, it shall be lawful for such Justices or Magistrates respectively to insert in such Certificates such other Hours, not being earlier than Six of the Clock or later than Eight of the Clock in the Morning for opening, or earlier than Nine of the Clock or later than Eleven of the Clock in the Evening for closing the same, as they shall think fit: And the Penalties and Forfeitures provided by the recited Acts, or either of them, for Breaches of or Offences against the Terms, Provisions, and Conditions of Certificates, shall apply to Breaches of or Offences against the Terms, Provisions, and Conditions of Certificates granted under this Act.

Penalties for Breaches of Certificate.

Certificates for the Sale of Spirits and Wine, to include Authority to sell Porter, Ale, Beer, &c.

3. Every Certificate to be hereafter granted for the Sale by Retail in any House or Premises of Spirits or Wine shall include an Authority for the Sale by Retail in such House or Premises of Porter, Ale, Beer, Cyder, and Perry, and such Certificate shall have the Effect of enabling the Party in favour of whom the same shall have been granted to obtain any Licence or Licences for such Purposes: Provided always, that nothing herein contained shall be held to prevent the Justices or Magistrates from granting a Certificate in any of the Forms in the said Schedule contained for the Sale by Retail of Wine, Porter, Ale, Beer, Cyder, or Perry, or of Porter, Ale, Beer, Cyder, or Perry only.

4. If

Certificates granted contrary to this Act void.

4. If any Certificate shall be granted contrary to the Terms and Provisions of this Act the same shall be null and void to all Intents and Purposes.

Licences not to be granted without a Certificate obtained under this Act.

5. No Licence for the Sale of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors by Retail, whether to be drunk or consumed on the Premises of the Person licensed or not, shall be granted by the Commissioners of Inland Revenue, or by any Officer of Inland Revenue, to any Person in *Scotland* who shall not produce to the said Commissioners or Officer a Certificate granted in Terms of this Act, enabling the Party to obtain such Licence, and every Licence which shall be granted contrary to the Terms of this Act shall be null and void to all Intents and Purposes.

Chief Magistrate or Justices on special Occasions may grant Permission to keep Houses, &c. open during particular Times.

6. On a Representation being made to the Chief Magistrate, or failing him the Two Senior Acting Magistrates of any Burgh, or to any Two Justices of the Peace of any County respectively by any Person holding a Certificate for keeping an Inn and Hotel or Public House, and duly licensed to sell Exciseable Liquors to be consumed on the Premises, that it is intended that any public or special Entertainment shall take place therein, or in any other Place or Premises situated within the respective Jurisdictions of such Chief Magistrate or Magistrates or Justices, during any particular Time, such Chief Magistrate or Magistrates or Justices, as the Case may be, may, if he or they shall think fit, and on being satisfied that such Inn and Hotel, or Public House, Place, or Premises possesses the necessary Accommodation, and that the Entertainment is for a public or special Occasion of a legitimate and proper Character, and not originating directly or indirectly with the Person holding such Certificate, grant such Person a special Permission in Writing to keep such Inn and Hotel, or Public House, Place, or Premises open, and to sell therein, on such public or special Occasion, and for that Purpose only, such Exciseable Liquors as he may be duly licensed to sell as aforesaid during such Time, and beyond the Hour prescribed by his Certificate for closing, *Sunday* excepted, and under such Regulations as such Chief Magistrate or Magistrates or Justices of the Peace shall think fit to appoint: Provided always, that such Magistrate or Magistrates or Justices are entitled to grant Certificates, and that such Justices are also Heritors of or resident in the Parish in which such Inn and Hotel, Public House, Place, or Premises shall be situated, or, where there shall be no such Justices Heritors of or resident in such Parish, Heritors of or resident in some next adjacent Parish; and it shall be lawful for the Justices of the Peace of any County or District, or for the Magistrates of any Burgh, at any *April* Half-yearly Meeting for the granting and Renewal of Certificates, to make

make such general Regulations touching such Permissions as they shall think fit, and such special Permissions shall be subject to such general Regulations: And provided further, that the Person obtaining such special Permission shall lodge the same with the Superintendent or other Chief Officer of Police of the District at least Twenty-four Hours before the Commencement of such public or special Entertainment, and such Superintendent or Chief Officer of Police shall furnish such Person with a certified Copy thereof, which shall be shown to any Officer of Police or Constable requiring to see the same: And provided also, that the Party holding such special Permission shall also have obtained an occasional Excise Licence in that Behalf.

Persons holding Licences for the Sale of Table Beer to be subject to the same Conditions as Persons holding Certificates.

7 Whereas by an Act passed in the last Session of Parliament, intituled *An Act for granting to Her Majesty certain Duties of Excise and Stamps*, it is enacted, "that it shall be lawful for "any Person to take out a Licence for the Sale in any House or "Shop of Table Beer at a Price not exceeding One Penny Half-"penny the Quart, and not to be drunk or consumed on the Pre-"mises where sold, and that it shall not be necessary to the obtain-"ing of such Licence that the said House or Shop shall be rated to "the Relief of the Poor to any Amount, or that the Person applying "for such Licence shall produce any Certificate or enter into any "Bond required by any Act relating to the Sale of Beer by Retail:" And whereas it is expedient that Provision should by this Act be made for the proper and orderly Regulation of the Houses, Shops, and Premises kept by such Persons: Be it therefore enacted, That every such Licence shall be held by the Person who shall have obtained the same on the Terms, Provisions, and Conditions following; *viz.*, that he shall not knowingly permit any Breach of the Peace or riotous or disorderly Conduct within his Premises, or supply Liquors to Persons in a State of Intoxication, and shall not sell or give any such Table Beer to be drunk or consumed on the said Premises; and shall not sell or give out therefrom any such Table Beer before Eight of the Clock in the Morning or after Eleven of the Clock at Night of any Day; and shall not open his Premises for the Sale of any Table Beer, or any Goods or Commodities whatsoever, or sell or give out the same on *Sunday;* and lastly, shall maintain good Order and Rule within his Premises; and in case any Person holding any such Licence shall offend against any of the said Terms, Provisions, and Conditions, every Person so offending shall for every such Offence forfeit and undergo the several Penalties provided by the Twenty-first Section of the herein first-recited Act for the Punishment of Offences against the Terms and Conditions of Certificates; and in addition to such Penalties the Licence granted to such Person may be declared to be forfeited and to become null and

and void; and every such Offence shall be prosecuted, tried, and determined in the same Manner, and before the same Courts, and subject to the same Conditions, as Breaches of Certificate or Offences against the Terms and Conditions thereof may be prosecuted, tried, and determined.

Form of Applications for Certificates.

8. If any Person shall be desirous of keeping an Inn and Hotel, Public House, Shop, or Premises for the Sale therein of Spirits, Wine, Beer, or other Exciseable Liquors, whether to be consumed on the Premises or not, he shall, previous to the granting to him of a Certificate for that Purpose, or the Renewal of any such Certificate already granted, truly fill up an Application for such Certificate in the Form contained in the First Part of Schedule (B.) to this Act annexed, and shall truly answer the several Queries therein contained; and Printed Forms for such Application shall be supplied to the Applicant by the Clerk of the Peace for the County or District, or the Town Clerk of the Burgh in which such Inn and Hotel, Public House, Shop, or Premises shall be situate, upon Payment to him of a Fee of Sixpence for each Copy thereof, and every such Application shall be filled up in a fair and legible Hand, and shall be signed by the Applicant or his Agent thereunto authorized, and shall be lodged by the Applicant with such Clerk of the Peace or Town Clerk, as the Case may be, Fourteen Days at least before the General Meeting of the Justices of the Peace or Magistrates for granting and renewing Certificates: Provided always, that it shall not be lawful for the Justices of the Peace of any County or District, or the Magistrates of any Burgh, to entertain any Application for any Certificate for the Sale of Exciseable Liquors with respect to any House or Premises not licensed, and for which there is no Certificate at the Time of making such Application, until a Report shall have been made and subscribed by a Justice of the Peace for such County or District, or a Magistrate of such Burgh respectively, such Justice or Magistrate being entitled to grant Certificates, stating that the same are of suitable Construction and Accommodation for the Purpose applied for, and accompanied with a Certificate as to the Applicant's Character and Qualification, signed by a Justice of the Peace for such County or District, or a Magistrate of such Burgh, and which said Report and Certificate respectively shall be in the Form, or, as nearly as may be, in the Form contained in the Second Part of Schedule (B.) to this Act annexed: Provided also, that the Justices in Quarter Sessions, to whom any Appeal shall be made from a Deliverance, granting or refusing any Application for a Certificate, may by themselves, or any One or more of their Number, inspect the Premises for which a Certificate is applied, and review the said Report.

9. Where

Certificate of Character and Qualification not necessary with Application for Renewal of Certificate.

9. Where any Person shall be desirous of obtaining a Renewal of any subsisting Certificate, granted to him in Terms of this Act, which has not been transferred during the current Half Year, it shall not be necessary that he produce along with his Application any Recommendation or Certificate of Character and Qualification: Provided always, that such Exemption shall not be held to interfere with the Powers of Justices and Magistrates under the said recited Acts or this Act to deal with such Application.

List of new Applications for Certificates to be published.

10. The Clerk of the Peace of every County or District and the Town Clerk of every Burgh shall, at least Ten Days before the General Meeting of the Justices of the Peace, or the Magistrates, as the Case may be, for the granting and Renewal of Certificates for the Sale of Exciseable Liquors, make out and advertise, at least twice in One or more Newspapers printed or generally circulated in the District, a complete List, in the Form, or as nearly as may be in the Form, set forth in Schedule (C.) to this Act annexed, of all Applications for Certificates within their respective Bounds for Premises not at the Time certificated; and of all Applications by new Tenants or Occupants of Premises at the Time certificated; and also of all Applications for Renewal of Certificates which have been transferred during the Currency of the previous Half Year; and such Clerks of the Peace shall also, within the said Time, transmit by Post, with Postage prepaid, to the Registrar or Registrars of every Parish within their respective Counties or Districts, a Copy of the List of such Applications in so far as applicable to the Parish of such Registrar or Registrars, who are hereby required to preserve the same, and to give Access thereto to any Party applying for Inspection thereof upon Payment of a Fee of One Shilling for such Inspection: And it shall be lawful for the Justices of the Peace of any County or District, or the Magistrates of any Burgh, at any *April* Half-yearly Meeting for the granting and Renewal of Certificates, if they shall think fit, to cause a descriptive List of Persons to whom Certificates shall have been granted for the Year next ensuing, with the Premises to which such Certificates apply, within their respective Jurisdictions, to be made up and printed, in such Form as they shall direct, for the Use of themselves and others concerned in the Execution of the said recited Acts and this Act, the Expense whereof shall be paid out of the respective Funds in this Act specified into which Penalties and Expenses shall be paid.

Power to Justices, &c. to cause descriptive Lists to be printed of Persons to whom Certificates have been granted.

Certain Parties may object to the granting or Renewal of Certificates.

11. Any Person or the Agent of any Person owning or occupying Property in the Neighbourhood of the House or Premises, in respect of which any Certificate or Renewal of any Certificate shall be applied for, may object to the granting or Renewal of

of such Certificate by lodging at any Time, not less than Five Days before the General Meeting of the Justices of the Peace or Magistrates of the County, District, or Burgh, for the granting and Renewal of Certificates, where such House or Premises shall be situated, with the Clerk of the Peace or Town Clerk, as the Case may be, a Notice in Writing to that Effect, signed by such Person or his Agent, specifying the Grounds of such Objection, which Objection shall be heard at the then ensuing General Meeting; and if such Objection shall be considered of sufficient Importance by the Justices of the Peace or Magistrates in such General Meeting, and shall be proved to their Satisfaction, the said Certificate shall not be granted or renewed: Provided always, that no such Objection shall be entertained unless it shall be proved or admitted that the Person so objecting or his Agent did, at least Five Days before such General Meeting, deliver or cause to be delivered to the Person applying for such Certificate a Copy of the aforesaid Notice, or did forward to him by Post, with Postage prepaid, or did leave for him a Copy thereof, addressed to him at his Place of Abode mentioned in his Application, or in the Case of an Application for the Renewal of any Certificate at the licensed Premises for which the Application is made; and it shall be lawful for the Justices of the Peace or Magistrates respectively, in the event of their considering the Allegations and Objections against a Renewal of a Certificate contained in any such Notice frivolous or vexatious, or unauthorized, to find the Person or Agent, as the Case may be, making the same liable in such Expenses as they shall deem proper, and the Amount of the Expenses so found due shall be recoverable in the Sheriffs or Justices of the Peace Small Debt Court having Jurisdiction in the District; and a certified Copy of the aforesaid finding shall be sufficient Evidence and Authority for decerning for the Amount thereof with Expenses.

Justices or Magistrates at General Meetings, may hear Objections to granting Certificates.

12. It shall be lawful for the Justices of the Peace of any County or District, or for the Magistrates of any Burgh, at any General Meeting for the granting and Renewal of Certificates held within their respective Jurisdictions, to hear and determine as at present, and without the Notice required by Section Eleven, any Objections to be made verbally or in Writing by any Justice of the Peace or Magistrate, or by the Procurator Fiscal, Chief Constable, or Superintendent of Police, against the granting or renewing of any Certificate.

Power to Constables, &c. to enter Eating

13. It shall be lawful for any Chief Constable, Superintendent, Lieutenant, or Inspector of Police at any Time to enter and inspect any Eating

Houses, &c. if they believe Exciseable Liquors are trafficked in.

Eating House, Toll House, Temperance Hotel, Shop, or other Place, or any Boat or Vessel, where Food or Drink of any Kind is sold to be consumed on the Premises, or in which he shall have Reason to believe that Exciseable Liquors of any Kind are being unlawfully trafficked in; and it shall also be lawful for any Constable of Police having an Authority in Writing from any Justice of the Peace or Magistrate, or from any Chief Constable, Superintendent, Lieutenant, or Inspector of Police, in any County, District, or Burgh, and which they are severally hereby authorized to grant, to enter and inspect any such Eating Houses, Toll Houses, Temperance Hotels, Shops, or Places, or any such Boats or Vessels, within such County, District, or Burgh respectively, at any Time or Times within Eight Days from the Date of such Writing, as may be specially mentioned in such Writing; and any Person who shall refuse to admit or shall not admit such Officer of Police or Constable into any such Eating House, Temperance Hotel, Shop, or other Place, Boat or Vessel, or shall offer Obstruction to his Admission thereto, shall thereby be guilty of an Offence, and may be apprehended on a Warrant to that Effect granted by the Sheriff or by any One Justice of the Peace or Magistrate, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Ten Pounds, and failing immediate Payment shall be imprisoned for a Period not exceeding Sixty Days: And it shall be lawful for any Officer of Police or Constable of any County, District, or Burgh, without any written Authority, at any Time to enter and inspect any licensed Inn and Hotel or Public House therein situated, and also, where he shall have Reason to believe that a Breach of Certificate is being committed, at any Time without written Authority to enter and inspect the Premises of any Grocer or Provision Dealer trading in Exciseable Liquors; and any Person who shall refuse to admit or shall not admit such Officer of Police or Constable into such licensed Inn and Hotel, Public House, or Premises, or shall offer Obstruction to his Admission thereto, shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Ten Pounds, and failing immediate Payment of such Penalty shall be imprisoned for a Period not exceeding Sixty Days.

Penalty for obstructing Officers of Police, &c.

Police to report Persons licensed, from whose Premises Persons in a State of Intoxication have been seen frequently to

14. The Chief Officer of Police of every County, District, Place, and Burgh in *Scotland* shall, on the First lawful Day of every Week, transmit or cause to be transmitted to the Procurator Fiscal appointed by the Justices of the Peace of such County or District, or Procurator Fiscal appointed by the Magistrates of such Burgh, respectively, a written Report containing the Names of all Persons licensed to sell Exciseable Liquors by Retail, from whose Premises Persons in a State of Intoxication have been frequently seen to issue,

and

and of the Manner in which any special Permission granted in virtue of this Act has been exercised, and such Reports shall be brought by such Procurator Fiscal under the Consideration of the Justices of the Peace and Magistrates of every such County and Burgh respectively when assembled to grant and renew Certificates: Provided always, that within Two Days after such Report shall have been lodged with such Procurator Fiscal Notice in Writing, by Post, with Postage prepaid, shall be sent by him, addressed to each licensed Person at his licensed Premises, of his having been so reported on; and such Chief Officer of Police shall also, without undue Delay, report to the Procurator Fiscal or other Party by this Act directed to prosecute Offenders all Offences committed against the recited Acts and this Act, or any of them, coming to his Knowledge, and shall at all Times use the Means within his Control for the Detection, and, when necessary, the Apprehension of all Offenders.

issue, or against whom there is other Cause of Complaint.

15. If any Person licensed to sell, by Retail, any Exciseable Liquors, not to be consumed on the Premises, shall take or carry, or authorize or permit or suffer to be taken or carried, any such Exciseable Liquors out of or from the House, Shop, or Premises of such licensed Person, for the Purpose of being sold or hawked on his Account, or for his Benefit or Profit, or for the Purpose of being drunk or consumed for his Benefit or Profit in any other House, or in any Tent, Shed, or other Premises, of any Kind whatever, belonging to such Person, or hired, used, or occupied by him, or in which he may be interested, such Exciseable Liquors shall be deemed and taken to have been drunk or consumed upon the Premises of the Person so licensed, and such Person shall be deemed guilty of a Breach of his Certificate, and shall be liable in the Penalties and Expenses and Forfeitures for such Offence, as by the recited Acts and this Act provided.

Permitting drinking Exciseable Liquors in a neighbouring House, Shed, &c., with Intent to evade the Provisions of the Act to be deemed drinking on the Premises.

16. Every Person hawking Spirits or other Exciseable Liquors shall thereby be guilty of an Offence, and may be taken into Custody by any Constable or Officer of Police, or, in the Absence of any Constable or Officer of Police, by any Person whomsoever, and may be detained in any Police Office or Station House, or other convenient Place, and not later than in the Course of the First lawful Day after he shall have been so taken into Custody shall be brought before a Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Ten Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Sixty Days.

Persons hawking Exciseable Liquors may be apprehended, and on Conviction to be fined or imprisoned.

17. Every

Penalty on Persons trafficking in Exciseable Liquors without a Certificate.

17. Every Person trafficking in any Spirits or other Exciseable Liquors in any Place or Premises without having obtained a Certificate in that Behalf in Terms of this Act shall be guilty of an Offence, and on being convicted thereof shall for each such Offence forfeit and pay the full Penalties provided in the Thirtieth Section of the said first-recited Act, together with the Expenses of Prosecution and Conviction; and in default of immediate Payment thereof shall be imprisoned for the entire Periods respectively, prescribed by the said Thirtieth Section of the said first-recited Act: Provided always, that the Penalty and Term of Imprisonment thereby provided for a Third Offence shall likewise be imposed in the Case of every subsequent Offence.

Sheriff, Magistrate, or Justice may grant Warrant to summon, and Warrant to apprehend.

18. In the Case of any Person complained of for any Offence against the recited Acts or this Act, excepting for Breach of Certificate, it shall be lawful for any Sheriff, or any one Justice or Magistrate to or before whom such Complaint shall have been presented, unless by this Act otherwise provided, to grant Warrant for summoning the Person complained of, upon an Induciæ of not less than Forty-eight Hours, to appear to answer to such Complaint at a Time and Place to be therein specified; and in the Case of any Person complained of for trafficking in Spirits or other Exciseable Liquors in any Place or Premises without having obtained a Certificate in that Behalf, it shall be lawful for any Sheriff or any One Justice or Magistrate, if he shall see fit, instead of granting Warrant to summon such Offender, to grant Warrant to apprehend such Offender to answer to the Complaint, and to be further dealt with as is provided by said recited Acts and this Act.

Proof of trafficking in any Shebeen.

19. In order to warrant the Conviction of any Person for trafficking in any Spirits or other Exciseable Liquors in any Place or Premises without a Certificate in that Behalf, it shall be sufficient, in the Absence of contrary Evidence, to prove that some Person other than the Owner or Occupant of such Place or Premises shall at the Time charged have been found in such Place or Premises drunk or drinking, or having had Drink supplied to him therein, and that such Place or Premises is or are by Repute kept as a Shebeen, or at the Time charged contained Drinking Utensils and Fittings usually found in Houses licensed for the Sale of Exciseable Liquors; and every Person found in any Shebeen drunk or drinking shall thereby be guilty of an Offence, and may at the Time be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall be so taken into Custody shall be brought before a Justice of the Peace

Persons found in Shebeens drunk or drinking may be taken into Custody.

or

or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Ten Shillings, and in default of immediate Payment thereof shall be imprisoned for a Period not exceeding Ten Days.

Warrant may be granted to seize Exciseable Liquors found in unlicensed Premises.

20. It shall be lawful for any Justice of the Peace of any County or District, or Magistrate of any Burgh, upon being satisfied by the personal Examination on Oath of a credible Witness that there is reasonable Ground for believing that Exciseable Liquors are trafficked in within any House or other Premises within such County or Burgh, as the Case may be, not licensed for the Sale thereof, or by any Person not having a Licence to sell Exciseable Liquors in or at such House or Premises, or that such Liquors are illegally kept for Sale or for the Purpose of being trafficked in at such House or Premises, to grant Warrant under his Hand authorizing any Chief Constable, Superintendent, Lieutenant, Inspector, or Sergeant of Police, with any Police Officers or Constables to enter such House or Place at all Times and to search for Exciseable Liquors, and if the same be found in such House or Place exceeding One Gallon to seize such Exciseable Liquors, together with the Vessel or Vessels in which the same are contained; and such Warrant shall continue in force for One Month from the Date thereof, and shall be a sufficient Authority to the Chief Constable, Superintendent, Lieutenant, Inspector, or Sergeant of Police therein named, and their Assistants respectively, to enter into such House or Place and seize all such Liquors as aforesaid and the Vessels containing the same, and to carry away and retain the same until disposed of as hereinafter provided: And the Person occupying or using the Premises where such Liquors shall be found as aforesaid shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay for the First Offence a Penalty not exceeding Five Pounds nor less than Two Pounds, and in default of immediate Payment shall be imprisoned, with or without Hard Labour, for any Term not exceeding Thirty Days nor less than Ten Days, and for the Second and every subsequent Offence a Penalty not exceeding Ten Pounds nor less than Five Pounds, and in default of immediate Payment shall be imprisoned, with or without Hard Labour, for any Term not exceeding Sixty Days nor less than Thirty Days: And all such Exciseable Liquors and the Vessels containing the same so seized as aforesaid shall be forfeited and sold, without further Warrant, and the Proceeds of such Sale shall be paid into the Rogue Money Funds of the County or Police Funds of the Burgh, and where

Penalties.

where there are no Police Funds into the Corporation Funds of the Burgh, as the Case may be, in which the Premises in which such Liquors shall have been found are situate.

Penalty on disorderly Persons refusing to quit licensed Houses on Request.

21. Every Person who shall be riotous, quarrelsome, or disorderly in any Shop, House, Premises, or Place licensed for the Sale of Spirits, Wine, Porter, Ale, Beer, or other Exciseable Liquors by Retail, whether to be consumed on the Premises or not, and shall refuse or neglect to quit such Shop, House, Premises, or Place upon being requested so to do by the Occupier or Manager thereof, or his Agent or Servant, or by any Constable, and every Person who shall refuse to quit such Shop, Premises, or Place at the Time of closing prescribed by this Act, on being required to do so as aforesaid, shall thereby be guilty of an Offence, and may be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall have been so taken into Custody shall be brought before a Sheriff or any One Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before a Sheriff or any One Justice of the Peace or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty not exceeding Forty Shillings, and in default of immediate Payment shall be imprisoned for a Period not exceeding Twenty Days; and all Constables are hereby authorized and empowered to assist in expelling such riotous, quarrelsome, or disorderly Person refusing to quit the Premises at the Hour of closing from such Shops, Houses, Premises, and Places.

Persons falsely representing themselves to be Travellers, liable to a Penalty.

22. Every Person who by any wilfully false Representation shall induce any Inn and Hotel Keeper, or the Servant of any Inn and Hotel Keeper, to sell or give out to him Exciseable Liquors on any Sunday, or to sell or give out to him Exciseable Liquors on any other Day during Hours when the Sale of Exciseable Liquors, excepting to Lodgers or Travellers, is prohibited by the Certificate of such Inn and Hotel Keeper, shall thereby be guilty of an Offence, and on being convicted thereof by any Sheriff or any One Justice of the Peace or Magistrate shall forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Thirty Days.

Penalty to Persons found intoxicated and incapable of

23. Every Person found in a State of Intoxication, and incapable of taking care of himself, and not under the Care or Protection of some suitable Person, in any Street, Thoroughfare, or Public Place, shall

shall be thereby guilty of an Offence, and may be taken into Custody by any Officer of Police or Constable, and detained in any Police Office or Station House, or other convenient Place, and not later than in the course of the first lawful Day after he shall have been so taken into Custody shall be brought before a Sheriff or any One Justice of the Peace or Magistrate, or if not so taken into Custody, or if he shall have been liberated on Bail or Pledge, may be summoned to appear before such a Sheriff, Justice of the Peace, or Magistrate, and on being convicted of such Offence shall forfeit and pay a Penalty of Five Shillings, and in default of immediate Payment shall be imprisoned for a Period not exceeding Twenty-four Hours.

taking care of themselves.

24. Every Person licensed to sell Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors by Retail, whether to be drunk or consumed on the Premises or not, who knowingly harbours or entertains, or suffers to remain in the licensed Premises wherein he carries on his Business, any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbances or restoring Order, or otherwise in the Discharge of his Duty, shall be guilty of an Offence, and on being convicted thereof shall forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Thirty Days.

Penalty for harbouring Constables while on Duty.

25. Every Person who, after the passing of this Act, shall commit any Breach of Certificate, or who shall in any other Manner offend against either of the recited Acts or this Act, shall be prosecuted, and all Penalties, together with the Expenses of Prosecution and Conviction to be ascertained on Conviction, shall be recovered, unless by this Act otherwise specially directed or authorized, before the Sheriff or any Two or more Justices of the Peace of the County or any Magistrate of the Burgh having Jurisdiction in the County or Burgh, as the Case may be, in which such Offender shall reside or such Offence shall have been committed, at the Instance of the Procurator Fiscal, or of such other Party as shall be specially appointed to prosecute such Class of Offences by the Justices of the Peace of the County in General Quarter Sessions assembled, or the Magistrates of the Burgh, as the Case may be, and which Appointment they are hereby specially authorized to make, and such Justices of the Peace in General Quarter Sessions, or Magistrates, as the Case may be, shall from Time to Time fix a reasonable Sum in Name of Salary, or a reasonable Rate of Remuneration by Fees for Prosecutions, and all other Business under this Act, to be paid annually to such Procurator Fiscal or other Party appointed to prosecute as aforesaid; and which Salary, or the Amount of the Account of such Fees, as the same shall

Procurator Fiscal or other Party appointed shall prosecute.

be taxed by the Clerk of the Peace of the County or District, or the Town Clerk of the Burgh, as the Case may be, together with all necessary and proper Outlays attending such Prosecutions, and also the Execution of the recited Acts and this Act, shall form a proper Charge against, and shall be paid annually out of the Rogue Money, or other Fund of the County out of which the Expenses of Criminal Prosecutions are in use to be paid, and in Burghs out of the Police Funds, or, where there are no Police Funds, out of the Corporation Funds of the Burgh, as the Case may be; and all Penalties and Expenses of Prosecutions and Convictions incurred under and imposed by the recited Acts and this Act shall, when recovered, if adjudged by any Sheriff, or Justice or Justices of the Peace, or Magistrate of any Burgh or Place other than a Royal or Parliamentary Burgh, be wholly paid into the Rogue Money Fund of the County, and, if adjudged by any Magistrate or Police Judge of any Royal or Parliamentary Burgh, be wholly paid into the Police Funds, or, where there shall be no Police Funds, into the Corporation Funds of the Burgh in which such Penalties shall be imposed respectively.

Application of Penalties and Expenses.

Offences how to be tried.

26. Every Offence committed against the recited Acts and this Act, or any of them, may, except where inconsistent with the Provisions and Conditions of this Act, be tried and determined in a summary Manner, without any written Pleadings, or Record, or Notes of Evidence, and before the Courts, and subject to the Provisions and Conditions provided in the said recited Acts or either of them; but in any Prosecution under the recited Acts and this Act, or any of them, the Complaint and Procedure following thereupon shall be in the Form or as nearly as may be in the Form, provided by Schedule (D.) to this Act annexed; and it shall be lawful for the Sheriff, Justice or Justices, Magistrate or Magistrates, before whom such Prosecution is brought, to proceed in absence of the Accused, upon Proof by the Oath of an Officer or Constable that the Accused has been duly summoned, or to issue his or their Warrant for apprehending and bringing the Accused before him or them, as the Case may be.

Power to Justices or Magistrates to summon Witnesses.

27. It shall be lawful for any Justice of the Peace or Magistrate, in any Application for the granting or renewing of a Certificate under the Provisions of the recited Acts or this Act, or in dealing with any Objection to such Applications, or in any other Matter arising under the Provisions of the said recited Acts and this Act, or any of them, to grant Warrant to summon Witnesses and Havers on behalf of any Party interested; and it shall be lawful for the Justice or Justices of the Peace, Magistrate or Magistrates, before whom respectively any such Application, Objection, or Matter shall be depending, to examine all such Witnesses and Havers on Oath or solemn Affirmation, and to do and perform

perform all Things necessary for the due and proper Hearing and Determination of the Cause or Matter: And any Person summoned as a Witness or as a Haver to appear before any Sheriff, Justice or Justices of the Peace, or Magistrate, touching any Matter arising out of the recited Acts or this Act, either on the Part of the Complainer or of the Person complained against, or of any Person interested in such Matter, 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 Sheriff, Justice or Justices, or Magistrate, may, when it shall be proved on Oath that he has been duly summoned at least Twenty-four Hours before the Meeting of the Diet of the Court, be apprehended and committed to Prison under the Warrant of the said Sheriff, Justice or Justices, or Magistrate, till he finds Security to appear and give Evidence; and any Person who shall so neglect or refuse to appear, or who appearing shall refuse to be examined on Oath or solemn Affirmation, shall thereby be guilty of an Offence, and on being convicted thereof shall forfeit and pay any Sum not exceeding Five Pounds, and in default of immediate Payment shall be imprisoned for a Period not exceeding Thirty Days; and if any Person who, under Examination on Oath or solemn Affirmation before any Sheriff, Justice or Justices, or Magistrate, in any Matter arising under the Provisions of the said recited Acts or this Act, shall prevaricate or wilfully conceal the Truth, it shall be lawful to such Sheriff, Justice or Justices, or Magistrate, in open Court, without any formal Complaint and in a summary Manner, to adjudge the Person so offending to be imprisoned for any Period not exceeding Sixty Days, or to forfeit and pay a Penalty not exceeding Five Pounds, and in default of immediate Payment to be imprisoned for a Period not exceeding Thirty Days, and the Sentence awarding such Punishment shall set forth shortly the Nature of the Offence.

Punishment of Witnesses refusing to attend or prevaricating.

28. It shall be lawful for the Justice or Justices of the Peace, Sheriff, or Magistrate before whom any Person may be brought for Trial for any Offence against the recited Acts and this Act, or any of them, to adjourn the hearing of the Complaint from Time to Time as may be deemed necessary, and also, if considered fit, to order the Detention of such Person in Prison, or in any Police Office or Station House, till the next Diet of Court, unless Bail is found, or a Pledge given to an Amount not exceeding the maximum Penalty concluded for.

Power to adjourn Trials and detain Offenders.

29. Nothing contained in the recited Acts or this Act shall prevent anything done which may be an Offence under this Act, but which might have been prosecuted and punished as an Offence at Common

Offences may be prosecuted at Common Law.

Common Law, or under any other Act, if this Act had not passed, from being so prosecuted and punished as if this Act had not passed.

Offences may be tried in Police Courts.

30. For the Purpose of trying Offences against the recited Acts and this Act, or any of them, except in Cases of Breach of Certificate and of imposing Penalties and declaring Forfeitures under the same, the Expressions "Magistrate of any Burgh," "Magistrate," and "Magistrates," shall include any Judge officiating in any Court for the Trial of Police Offences under the Provisions of any Local or General Police Act; and all such Offences committed within the Jurisdiction of any such Judge may be tried by and before him in any such Court, at the Instance of the Procurator Fiscal or other Party acting as Prosecutor under the Twenty-fifth Section of this Act: And every Person offending against the Sixteenth, Nineteenth, Twenty-first, and Twenty-third Sections of this Act may, if such Procurator Fiscal or Prosecutor shall choose so to do, be prosecuted before the Court, and in the Manner provided for the Trial of Police Offences by any General or Local Police Act in force in the County, District, or Burgh or Place where the Offender shall reside or the Offence shall have been committed, instead of as herein otherwise provided.

Offences specified in Sections 16, 19, 21, & 23. of this Act may be tried in Police Courts.

Warrants, &c. may be enforced in other Counties, &c.

31. All Warrants, Orders, Interlocutors, Judgments, Sentences, and Decreets of Sheriffs, Justices, and Magistrates, issued or pronounced under the Authority of the recited Acts or of this Act, may be executed and enforced in any County, District, Burgh, or Jurisdiction other than that in which they were so issued or pronounced, provided the Concurrence of the Sheriff or any One Justice of the Peace or Magistrate of such other County, District, Burgh, or Jurisdiction respectively be endorsed thereon, by any Constable or Officer of Court of the original or of any other County, District, Burgh, or Jurisdiction, and which Concurrence all Sheriffs, Justices of the Peace, and Magistrates are hereby authorized to grant.

Fees to Clerks not to be more than authorized by Schedule (E.) to this Act.

32. It shall not be lawful for the Clerk of the Peace, or Sheriff Clerk of any County or District, or the Town Clerk of any Burgh, to demand or receive any greater or additional Fee or Remuneration for anything done under the recited Acts or this Act than is authorized by the Schedule (E.) to this Act annexed, and the Town Clerks of those Parliamentary Burghs the Magistrates of which are not at present authorized to grant Certificates shall pay to the present Clerks of the Peace in the Counties within which such Burghs are situated One Half of the Fees received by such Town Clerks in respect of Applications for Certificates and Disposal of the same under this Act and the Acts herein recited, during the Time such Clerks of the Peace shall continue to hold Office.

33. It

Power to Persons to appeal from Decisions of Sheriffs, &c. to Circuit Courts, &c.

33. It shall be competent to any Person conceiving himself aggrieved by any Warrant, Sentence, Order, Decree, Judgment, or Decision made or given by any Sheriff, Justice or Justices of the Peace, or Magistrate, in any Cause, Prosecution, or Complaint raised under the Authority of the recited Acts or of this Act, for Breach of Certificate, or for trafficking in Spirits or other Exciseable Liquors without a Certificate, to bring the Case by Appeal before the next Circuit Court of Justiciary, or where there are no Circuit Courts before the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions which shall from Time to Time be prescribed by the said High Court of Justiciary: Provided always, that such Appeal shall be competent only when founded on the Ground of Corruption or Malice and Oppression on the Part of the Sheriff, Justice or Justices of the Peace, or Magistrate, as the Case may be, or on such Deviations in point of Form from the statutory Enactments as the Court shall think have prevented substantial Justice from having been done: Provided also, that such Appeals shall be heard and determined in open Court, and that it shall be competent to the Court to correct such Deviation in point of Form: Provided further, that Notice in Writing of such Appeal shall be given to the opposite Party, and to the Clerk of the Court pronouncing such Warrant, Sentence, Order, Decree, Judgment, or Decision, within Eight Days of the Date thereof, and that no Appeal shall be received or entertained unless the Party appealing shall, along with his Appeal, deposit with the Clerk of the Circuit Court or of the High Court of Justiciary, as the Case may be, a Certificate under the Hand of the Sheriff Clerk, Town Clerk, or Clerk of the Peace, or Clerk to the Magistrates, as the Case may be, that he has made Consignation in the Hands of such Clerk of the whole Sum and Expenses, if any, decerned for by the Warrant, Sentence, Order, Decree, Judgment, or Decision appealed from, and unless he shall have found sufficient Security for the whole Expenses which may be incurred and found due under the Appeal: Provided always, that nothing herein contained shall be held to exclude or interfere with the Right of Appeal to Quarter Sessions which at present exists, provided the Appellant shall forthwith deposit with the Clerk of the Peace the Amount of Penalty and Costs awarded against him.

Sentences and Judgments not subject to Review except as provided by this Act.

34. No Warrant, Sentence, Order, Decree, Judgment, or Decision made or given by any Quarter Sessions, Sheriff, Justice or Justices of the Peace, or Magistrate in any Cause, Prosecution, or Complaint, or in any other Matter under the Authority of the said recited Acts or of this Act, shall be subject to Reduction, Advocation, Suspension, or Appeal, or any other Form of Review or Stay of Execution, on

any Ground or for any Reason whatever, other than by this Act provided.

Limitation of Actions.

35. Every Action or Prosecution against any Sheriff, Justice or Justices of the Peace, Magistrate, or Judge acting under any General or Local Police Act, or against any Sheriff Clerk, Clerk of the Peace, or Town Clerk, or any Procurator Fiscal, Superintendent, or other Officer of Police, or Constable, or other Person, on account of anything done in execution of the recited Acts and this Act, or any of them, shall be commenced within Two Months after the Cause of Action or Prosecution shall have arisen, and not afterwards.

Nothing to repeal or affect recited Act, except to give Effect to this Act.

36. Nothing herein contained shall be held to repeal or affect the Provisions of the recited Acts or either of them, except in so far only as shall be necessary to give Effect to the Provisions of this Act; and the Provisions and Enactments contained in the recited Acts, so far as not repealed, shall extend, and be construed, deemed, and taken to extend, to and form Part of this Act, in the same Manner and as fully and to all Intents and Purposes as if the said Provisions and Enactments were herein repeated and set forth at Length.

Interpretation of Terms.

37. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "Inn and Hotel" shall in Towns and the Suburbs thereof refer to a House containing at least Four Apartments set apart exclusively for the Sleeping Accommodation of Travellers; and in Rural Districts and populous Places not exceeding One thousand Inhabitants, according to the Census last before taken, to a House containing at least Two such Apartments:

The Word "Shebeen" shall mean and include every House, Shop, Room, Premises, or Place in which Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors are trafficked in by Retail without a Certificate and Excise Licence in that Behalf:

The Expression "trafficking" shall mean and include bartering, selling, dealing in, trading in, exposing or offering for Sale by Retail:

The Word "hawking" shall mean and include trafficking in or about the Streets, Highways, or other Places, or in or from any Boat or other Vessel upon the Water:

The Word "Certificate" shall mean any Certificate in Terms of this Act:

The Word "Sheriff" shall mean and include Sheriff Substitute:

The

The Word "Burgh" shall mean and include any Royal or Parliamentary Burgh, and the Boundaries of such Parliamentary Burghs shall for the Purposes of this and the recited Acts be the same as those within which the Magistrates of such Burghs have Jurisdiction in Matters of Police:

The Word "Constable" shall mean and include Officers of Court, Chief Constable, Superintendent of Police, and every Grade of Constable or Police Officer, or any Person belonging to any Constabulary Force in any Part of *Scotland*, as also any Sheriff Officer or Justice of Peace Constable.

Commencement of Act.

38. This Act shall commence and take effect from and after the First Day of *September* next after the passing thereof.

Short Title.

39. This Act may be cited for all Purposes as "The Public Houses Acts Amendment (*Scotland*) Act, 1862."

SCHE-

SCHEDULE (A.)

No. 1.

FORM OF CERTIFICATE FOR INNS AND HOTELS.

At a General Meeting for granting and renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be*,] of holden at within the said County [*or* Burgh] on the Day of in the Year One thousand eight hundred and Her Majesty's Justices of the Peace acting in and for said County [*or* the Magistrates of the said Burgh] assembled at the said Meeting did authorize and empower *A.L.*, now dwelling at , to keep an Inn and Hotel at in the Parish of and County aforesaid [*or* Burgh aforesaid] for the Sale in the said House, but not elsewhere, of Victuals, and of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors, [*or* of Victuals, and of Porter, Ale, Beer, Cyder, or Perry,] [*or* of Victuals, Wine, Porter, Ale, Beer, Cyder, or Perry,] provided the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him or her in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Bread or other Victuals or Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which is not of the legal Imperial Standard; and do not sell any Groceries or other uncooked Provisions in the said House or Premises, to be consumed elsewhere; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said House or Premises; and do not knowingly permit or suffer Men or Women of notoriously bad Fame, or Girls or Boys, to assemble and meet therein; and do not supply Exciseable Liquors to Girls or Boys apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication; and do not permit or suffer any unlawful Games therein; and do not keep open House, or permit or suffer any Drinking on any Part of the Premises belonging thereto, or sell or give out therefrom any Liquors, before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day, with the Exception of Refreshment to Travellers or to Persons requiring to lodge in the said House or Premises; and do not

not open his House for the Sale of any Exciseable Liquors, or permit or suffer any Drinking therein or on the Premises belonging thereto, or sell or give out the same, on Sunday, except for the Accommodation of Lodgers and Travellers; and do maintain good Order and Rule within his House and Premises; and, lastly, do not transgress or commit any Breach of the Conditions of any Permission to sell on a public or special Occasion within his own House or elsewhere. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the Day of One thousand eight hundred and and until the Day of One thousand eight hundred and and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

No. 2.

FORM OF CERTIFICATE FOR PUBLIC HOUSES.

At a General Meeting for granting and renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be*,] of holden at within the said County [*or* Burgh] on the Day of in the Year One thousand eight hundred and Her Majesty's Justices of the Peace acting in and for the said County [*or* the Magistrates of the said Burgh] assembled at the said Meeting did authorize and empower [*A.L.*], now dwelling at , to keep a Public House at in the Parish of and County [*or* Burgh] aforesaid for the Sale in the said House, but not elsewhere, of Victuals, and of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, and other Exciseable Liquors, [*or* of Victuals, and of Porter, Ale, Beer, Cyder, or Perry,] [*or* of Victuals, Wine, Porter, Ale, Beer, Cyder, or Perry,] provided that the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Bread or other Victuals or Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which are not

of the legal Imperial Standard; and do not sell any Groceries or other uncooked Provisions in the said House or Premises, to be consumed elsewhere; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said House or Premises; and do not permit or suffer Men or Women of notoriously bad Fame, or Girls or Boys, to assemble and meet therein; and do not sell or supply Exciseable Liquor to Girls or Boys apparently under Fourteen Years of Age, or to Persons who are in a State of Intoxication, and do not receive or take in, as the Price or for the Supply of Exciseable Liquors, any Wearing Apparel, Goods, or Chattels; and do not permit or suffer any unlawful Games therein; and do not keep open House, or permit or suffer any Drinking in any Part of the Premises belonging thereto, or sell or give out therefrom any Liquors, before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day; and do not open his House for the Sale of any Liquors, or permit or suffer any Drinking therein, or on the Premises thereto belonging, or sell or give out the same, or any other Goods or Commodities, on Sunday; and, lastly, do not transgress or commit any Breach of the Conditions of any Permission to sell on a public or special Occasion within his own House or elsewhere; and do maintain good Order and Rule within his House and Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, from the Day of One thousand eight hundred and and no longer.

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

No. 3.

FORM OF CERTIFICATE FOR DEALERS IN EXCISEABLE LIQUORS, AND GROCERS AND PROVISION DEALERS TRADING IN EXCISEABLE LIQUORS.

At a General Meeting for granting or renewing Certificates for the Sale of Exciseable Liquors held by Her Majesty's Justices of the Peace acting in and for the County [*or* of the Magistrates of the Burgh, *as the Case may be*,] of holden at within the said County [*or* Burgh] on the Day of in the Year One thousand eight hundred and Her Majesty's Justices of the Peace acting in and for the said County [*or* the Magistrates of the said Burgh] assembled at the said Meeting did authorize and empower *A.L.*, now dwelling at , to keep Premises at in the Parish and County

County aforesaid [*or* Burgh aforesaid] for the Sale therein, but not elsewhere, of Spirits, Wine, Porter, Ale, Beer, Cyder, Perry, or other Exciseable Liquors, [*or* of Porter, Ale, Beer, Cyder, or Perry,] [*or* of Wine, Porter, Ale, Beer, Cyder, or Perry,] provided the said *A.L.* shall be licensed and empowered to sell such Liquors under the Authority and Permission of any Excise Licence to him in that Behalf granted, on the Terms and Conditions following; that is to say, that the said *A.L.* do not fraudulently adulterate the Liquors sold by him, or sell the same knowing them to have been fraudulently adulterated; and do not use in selling the same any Weight or Measure which is not of the legal Imperial Standard; and do not knowingly permit any Breach of the Peace, or riotous or disorderly Conduct, within the said Premises; and do not sell or supply Exciseable Liquors to Persons who are in a State of Intoxication, or to Girls or Boys apparently under Fourteen Years of Age, and do not traffick in or give any Spirits, Wine, or other Exciseable Liquors, [*or* Wine, Porter, Ale, Beer, Cyder, and Perry,] [*or* Porter, Ale, Beer, Cyder, and Perry,] to be drunk or consumed on the said Premises, and do not receive or take in, as the Price or for the Supply of Exciseable Liquors, any Wearing Apparel, Goods, or Chattels; and do not traffick in or give out therefrom any Liquors before Eight of the Clock in the Morning, or after Eleven of the Clock at Night, of any Day; and do not open his Premises for Business, or for the Sale of any Liquors or any Goods or Commodities whatsoever, or sell or give out the same, on Sunday; and, lastly, do maintain good Order and Rule within his Premises. This Certificate to continue in force, upon the Terms and Conditions aforesaid, for One Year from the Day of One thousand eight hundred and

The above Certificate is made out according to the Deliverance in the Book or Register appointed to be kept in Terms of the Act of Parliament.

C.D., Clerk.

SCHEDULE (B.)

No. 1.

Unto the Honourable Her Majesty's Justices of the Peace for [*or* the Magistrates of the Burgh of]

The Application of [*state full Name, Designation, and present Place of Abode of Applicant*].

Humbly sheweth,

That the Applicant is desirous to obtain a Certificate for Licence for [an Inn and Hotel, *or* Public House, *or* a Dealer in Groceries and Provisions, *as the Case may be*,] at [*Place or Street, and Number*]

Number] in the Parish [*or* Burgh] of , and County of , for the ensuing Year [*or* Half Year, *as the Case may be*], in Terms of the "Public Houses Acts Amendment (Scotland) Act, 1862," and Acts therein recited, and refers to the Answers which are truly made to the subjoined Queries:

State whether it is a Renewal of a Certificate at present in Applicant's Name, or in that of another Party, or Renewal of a transferred Certificate, or a Certificate for a new House, that Applicant desires - - - -

Whether Applicant has attained Twenty-one Years of Age -

Whether bred to the Trade; or if not, to what other Trade or Business - - - -

Whether Applicant carries on or intends to carry on or follow any other Trade or Occupation -

Whether Applicant holds a Licence at present; and if so, state where the Premises are situated, and how long he has held the same -

Whether Applicant has any Interest in any other Business in Premises at present licensed, or for which a Certificate is sought; and if so, where those Premises are severally situated - - - -

State the actual Rent of Premises, and the Proprietor's or Factor's Name and Designation - -

Signature of Applicant

Date

No. 2.

REPORT BY JUSTICE OR MAGISTRATE.

I, One of Her Majesty's Justices of the Peace for [*or* One of the Magistrates of the Burgh of *as the Case may be*], hereby report that I personally examined the Premises described in the foregoing Application, and that the same are of suitable Construction and Accommodation for the Purpose applied for, reserving to the Justices [*or* Magistrates, *as the Case may be*,]

be,] to determine whether it be meet and convenient to grant the Certificate applied for.

J. P. *or* Magistrate.

CERTIFICATE OF CHARACTER AND QUALIFICATION.

I, One of Her Majesty's Justices of the Peace for [*or* One of the Magistrates of the Burgh of *as the Case may be*], certify, after careful Inquiry, that , designed in the foregoing Application, is [*here state Result of Inquiry touching Applicant's Character and Qualification*].

J. P. *or* Magistrate.

SCHEDULE (C.)

LIST of APPLICATIONS for CERTIFICATES for the Sale of Exciseable Liquors for the County [*or* of the County] of *or* Burgh of , for new Premises, by new Tenants or Occupants, and for Renewal of transferred Certificates.

Name, Designation, and Residence of Applicant.	Number of Street of Burgh (or Place and Parish of County) of Premises.	Class of Certificate applied for.	Name and Address of Landlord or Factor of Premises.
		For new Premises.	
		By new Tenants or Occupants.	
		For Renewal of transferred Certificate.	

SCHEDULE (D.)

No. 1.

COMPLAINT.

Unto the Honourable Her Majesty's Justices of the Peace for the County of , [*or* Sheriff of the County of *or* Magistrates of the Burgh of *as the Case may be*].

Humbly complains *A.B.*

Procurator Fiscal of Court, [*or other Party appointed to prosecute, as the Case may be*,] for the Public Interest:

That *C.D.* [*Designation*] [*in the Case of a Breach of Certificate state here* "who holds a Certificate for the Sale of Exciseable

Liquors at [*name the Place*] "] has been guilty of an Offence against the Laws for the Regulation of Public Houses in Scotland, in so far as [*here state the Particulars of the Offence, specifying the Place and Time thereof, and in the Case of a Breach of Certificate, or trafficking without a Certificate, add,* such Offence is the "First," "Second," "Third," *or* "an Offence subsequent to the Third" Offence, *as the Case may be*].

May it therefore please your Honour [*or* Lordship, *as the Case may be,*] to grant Warrant to summon the said to appear before you [*or* to apprehend the said and bring him before you] to answer to this Complaint, and to be dealt with in Terms of the Public Houses Acts Amendment (Scotland) Act, 1862, and the Acts therein recited, [*if the Certificate be declared to be forfeited, add,* "and further adjudge his Certificate to be forfeited, and null and void."]

A.B.

No. 2.

WARRANT TO SUMMON.

[*Place and Date.*]

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to serve a Copy of this Complaint and of this Deliverance upon the therein named and designed *C.D.*, and to cite him to appear personally to answer thereto at [*here state the Place*] upon the Day of at of the Clock noon, with Certification, and also to cite Witnesses and Havers for both Parties for the same Time and Place.

G.H.,
J. P. *or* Sheriff *or* Magistrate.

No. 3.

WARRANT TO APPREHEND.

[*Place and Date.*]

The Justice [*or* Sheriff *or* Magistrate] grants Warrant to Officers of Court to search for and apprehend *C.D.*, named and designed in the foregoing Complaint, and, if necessary for that Purpose, to open any Shut or Lock-fast Places, and to bring him before any One or more, as may be competent, of Her Majesty's Justices of the Peace for the County of [*or* the Sheriff of the County of *or* a Magistrate of the Burgh of] to answer thereto at the [*name the Place or Court House*], and also to cite Witnesses and Havers for both Parties for all Diets in the Case.

G.H.,
J. P. *or* Sheriff *or* Magistrate.

No. 4.

No. 4.

CITATION.

To *C.D.* [*Designation.*]

Take notice, That you will have to appear personally at the Place and Time specified in the foregoing Warrant to answer to the Complaint to which this Notice is attached, with Certification.

This I do this Day of .

J.K.,
Officer of Court.

No. 5.

MINUTE OF COURT PROCEDURE.

(When Accused appears.)

At the Day of 18 , in the Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate], appeared *C.D.* complained against; and the Complaint being read over to him he answers that he is Guilty [*or* Not Guilty].

[*If Accused pleads Not Guilty.*]

The Witness [*or* Witnesses] after named was examined upon Oath in support of the Complaint; viz.,

And the Witness [*or* Witnesses] after named was examined upon Oath in Exculpation; viz.,

(When Accused is absent.)

At the Day of 18 , in Presence of of Her Majesty's Justices of the Peace for the County of [*or* Sheriff *or* Magistrate], *C.D.* complained against having failed to appear, and after Proof by the Oath of Officer of Court that such Officer had duly summoned the said *C.D.*:

The Witness [*or* Witnesses] after named was examined upon Oath in support of the Complaint; viz.,

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No. 6.

CONVICTION.

The Justices [*or* Justice *or* Sheriff *or* Magistrate] in respect of the judicial Confession of the said *C.D.* [*or* of the Evidence adduced] convict

convict the said *C.D.* of the Offence charged [being a Offence], and adjudge him to forfeit and pay to the Complainer the Sum of of Penalty, [*if Expenses shall be awarded*] with the Sum of of Expenses]; and in default of [immediate] Payment thereof [*or if Time is allowed, state* within Days from this Date,] adjudge him to be committed to the Prison of for the Period of from the Date of his Incarceration, unless said Sum [*or* Sums] shall be sooner paid, and grant Warrant to Officers of Court to apprehend him, and convey him to said Prison, and to the Keeper thereof to receive and detain him accordingly.

If against a Party holding a Certificate (*if the Certificate be declared to be forfeited*) *add*, "and further adjudge his Certificate to be void and null from this Date."

A.B., J. P.,
or
G.H., J.P.,
M.N., J.P.,
or Sheriff *or* Magistrate.

SCHEDULE (E.)

The following FEES, and no others, to be payable to Clerks of the Peace, Sheriff Clerks, and Town Clerks, acting under this Act or the Acts therein recited.

	£	*s.*	*d.*
Each printed Copy of Form of Application for Certificate -	0	0	6
Lodging Application - - - - -	0	2	6
Lodging Objection (under Section 11) - - -	0	2	6
Inspection of Register, or Applications, for each Hour or Part of an Hour - - - - -	0	1	0
Warrant on Complaint - - - -	0	2	0
Each Witness examined in Trials - - -	0	1	0
Conviction - - - - -	0	2	6
Deciding Objections (under Section 11) - -	0	1	0
Lodging Appeal and finding Caution - - -	0	3	0
Deciding Appeal - - - -	0	2	6
Extracts or certified Copies of any Proceedings, Warrants, or Conviction, per Sheet, written or printed, of 150 Words - - - - - -	0	1	0

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