V. In case the Promoters of the Undertaking shall be empowered, by any Act or Acts relating thereto, to be passed after the passing of this Act, to borrow Money to an Amount not exceeding a prescribed Sum, then in the event of the Promoters of the Undertaking agreeing at any Time after the passing of this Act with any Person, under the Powers of this Act and of either of the Acts herein before mentioned, or of either of the said Acts, only, for the Purchase of any Lands in consideration of the Payment of a Rentcharge, Annual Feu Duty or Ground Annual, the Powers of the Promoters of the Undertaking for borrowing Money shall be reduced by an Amount equal to Twenty Years Purchase of any Rentcharge, Annual Feu Duty or Ground Annual, so for the Time being payable.

If Lands purchased by way of Rentcharge, borrowing Powers to be reduced proportionally.

VI. The Clauses contained in "The Lands Clauses Consolidation Act (1845)," relating to the Purchase of Lands by Agreement, and to Agreements for Sale and Conveyances, Sales, and Releases of any Lands or Hereditaments, or any Estate or Interest therein, by Parties under Disability, shall extend and be applicable to all Purchases of Land and Hereditaments for public Purposes which shall be hereafter made by the Council of any City or Borough, with the Sanction of the Commissioners of Her Majesty's Treasury, under the Powers for that Purpose contained in "The Municipal Corporation Mortgages, &c. Act (1860)."

Certain Clauses in 8 & 9 Vict. c. 18. extended to Purchases of Land, &c. for public Purposes.

VII. For the Purchase or Acquisition of any Messuages, Lands, Tenements, and Hereditaments wanted for the Service of the Admiralty or of the War Department or for the Defence of the Realm, it shall be lawful for Her Majesty's Principal Secretary of State for the War Department for the Time being to use all or any of the Powers and Provisions by the Lands Clauses Consolidation Act, 1845, and by the Lands Clauses Consolidation (*Scotland*) Act, 1845, given to Promoters of the Undertaking, as therein mentioned, and for such Purposes the said Principal Secretary shall be deemed and taken to be the Promoters of an Undertaking within the Meaning of the said Act, and all the Powers and Provisions thereof shall, if used by Her Majesty's Principal Secretary of State for the War Department, be treated as if they were contained in the Fifth and Sixth *Victoria*, Chapter Ninety-four, for the Purpose of being used and made available by the Principal Officers of Her Majesty's Ordnance and had been transferred to the said Principal Secretary for the Time being by the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and seventeen, for the Purposes aforesaid: Provided always, that nothing herein contained shall authorize any Purchase otherwise than by Agreement of any Land, except according to the Provisions of the Twenty-third Section of the said Act of the Fifth and Sixth *Victoria*, or prejudice or affect the Powers and Authorities of the said Principal Secretary for the Time being under the said last-mentioned Statutes, or either of them.

Power to Secretary for War to use the Powers given to Promoters of Undertakings by 8 & 9 Vict. c. 18.

VIII. This Act shall be read and construed as Part of the said Lands Clauses Consolidation Act, 1845, or of the Lands Clauses Consolidation (*Scotland*) Act, 1845, in all Matters in which it relates to the said Acts respectively; and in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression of "The Lands Clauses Consolidation Acts Amendment Act, 1860."

This Act and 8 & 9 Vict. cc. 18. and 19. to be construed together.

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## CAP. CVII.

An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences, in *Ireland*. [28th *August* 1860.]

Most Gracious Sovereign:

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the

the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

From and after 1st July 1860 certain Duties to be charged for Licences herein mentioned.

I. From and after the First Day of *July* One thousand eight hundred and sixty there shall be charged, levied, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, for and upon the several Licences herein-after mentioned, the respective Rates and Duties following; that is to say,

| | £ | s. | d. |
|---|---|---|---|
| For every Licence to keep a Refreshment House— | | | |
| If the House and Premises in respect of which such Licence shall be granted shall be under the Value of 20*l.* a Year - - - | 0 | 10 | 6 |
| And if the same shall be of the Value of 20*l.* a Year or upwards - - | 1 | 1 | 0 |
| And for every Licence to be granted as herein-after mentioned to any licensed Keeper of a Refreshment House to sell therein by Retail Foreign Wine to be consumed in such House or on the Premises belonging thereto— | | | |
| If such House and Premises shall be under the Value of 50*l.* a Year - | 3 | 3 | 0 |
| And if the same shall be of the Value of 50*l.* a Year or upwards - - | 5 | 5 | 0 |
| And for every Licence to be taken out by any Person for the selling by Retail in any Shop of Foreign and *British* Wine not to be consumed in the House or Shop or on the Premises where sold— | | | |
| If the House and Premises shall be under the value of 50*l.* a Year - | 2 | 2 | 0 |
| And if the same shall be of the Value of 50*l.* a Year or upwards - - | 3 | 3 | 0 |

Powers and Provisions of Excise Acts to apply to the Duties granted by this Act.

II. The Duties by this Act granted shall be deemed to be Excise Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all Powers, Provisions, and Regulations, Penalties, and Forfeitures contained in or enacted by any Act in force in relation to Excise Duties, shall, in all Cases not herein expressly provided for, and so far as the same are not superseded by and are consistent with the express Provisions of this Act, be duly observed, applied, and put in execution for ascertaining the Value of any House or Premises in respect of which any Licence shall be applied for under this Act, and for charging, collecting, and securing the said Duties hereby granted, and otherwise relating thereto, as fully and effectually as if the same Powers, Provisions, and Regulations, Penalties and Forfeitures, were repeated and re-enacted in the Body of this Act with reference to such Value and to the said Duties hereby granted: Provided always, that the Valuation of any such House or Premises on which the last preceding Rate for the Relief of the Poor had been made shall be deemed and taken to be the Value of such House or Premises for any of the Purposes of this Act.

Every Person keeping a Shop entitled to take out a Licence to retail Wine not to be consumed on the Premises.

III. Every Person who shall keep a Shop for the Sale of any Goods or Commodities other than Foreign Wine, or who shall have taken out a Licence as a Dealer in Wine (except Persons expressly disqualified by this Act), shall without producing or having any other Licence or Authority, be entitled to take out a Licence under this Act to sell by Retail, and in reputed Quart or Pint Bottles only, in such Shop Foreign Wine not to be consumed on the Premises where sold, anything in any former Act to the contrary notwithstanding.

What shall be deemed selling by Retail.

IV. Every Sale of Foreign Wine in any less Quantity than Two Gallons, or in less than One Dozen reputed Quart Bottles, at One Time, shall be deemed to be a selling by Retail.

Permitting drinking Wine in a neighbouring House, Shed, &c., with Intent to evade the Provisions of the

V. If any Person licensed to sell Wine not to be consumed on the Premises shall, with Intent to evade the Provisions of this Act, take or carry, or authorize or employ or permit or suffer any Person to take or carry, any Wine out of or from the House, Shop, or Premises of such licensed Person, for the Purpose of being sold on his Account, or for his Benefit or Profit drunk or consumed, in any other House or in any Tent, Shed, or other Premises of any kind whatever belonging to such licensed Person, or hired, used, or occupied

occupied by him, such Wine shall be deemed and taken to have been drunk or consumed upon the Premises; and the Person selling the same shall be subject to the like Penalties as if such Wine had been actually consumed in any House or upon any Premises licensed only for the Sale thereof as aforesaid.

Act, to be deemed drinking on the Premises. Penalty.

VI. All Houses, Rooms, Shops, or Buildings kept open for Public Refreshment, Resort, and Entertainment at any Time between the Hours of Nine of the Clock at Night and Seven of the Clock of the following Morning, not being licensed for the Sale of Beer, Cider, Wine, or Spirits respectively, shall be deemed Refreshment Houses within this Act, and the Resident, Owner, Tenant, or Occupier thereof shall be required to take out a Licence under this Act to keep a Refreshment House; and every Person who shall keep any House, Room, Shop, or Building for the Purpose of selling therein any Victual or Refreshment to be consumed on the Premises where the same shall be sold (except Beer, Cider, Wine, and Spirits, sold respectively under a proper Licence in that Behalf), and every Person who shall keep any House, Room, Shop, or Building for the Consumption therein by the Public of any Refreshment (except as aforesaid), although the same shall not be sold therein, may, if he shall think fit, take out a Licence under this Act to keep a Refreshment House; and in all Proceedings and upon all Occasions whatever it shall be sufficient to describe by the Term Refreshment House any House, Room, Shop, or Building in which any such Article as aforesaid (except as aforesaid) is sold to be consumed, or is consumed as aforesaid, without further or otherwise designating or describing the same, provided also, that no Licence shall be required under this Act to authorize any Person to keep a Refreshment House if the same shall not be situate within any Town or Place containing a Population exceeding Ten thousand according to the last Parliamentary Census.

Persons keeping Houses, &c. herein named required to take out Licences.

Licences not required for Refreshment Houses in small Towns and Places.

VII. Every Person who shall be licensed to keep a Refreshment House, and shall pursue therein the Trade or Business of a Confectioner, or shall keep open such House as an Eating-house, for the Purpose of selling, to be consumed therein, Animal Food or other Victuals wherewith Wine or other fermented Liquors are usually drunk, shall be entitled (subject to the Terms and Conditions of this Act, and not being expressly disqualified thereby), to take out a Licence to sell Foreign Wine by Retail in such Refreshment House, to be consumed on the Premises where the same shall have been sold, without producing or having any other Licence or Authority than as aforesaid; and every Confectioner and Eating-house Keeper respectively who shall have taken out such Licence to retail Wine under this Act, shall not be subject or liable to any Penalty or Forfeiture under any other Act or Acts by reason or on account of his selling Wine by Retail, or having the same in his Possession in his entered Premises, anything in any other Act or Acts to the contrary notwithstanding.

Confectioners and Eating-house Keepers entitled to take out Licences to sell Wine to be drunk on the Premises.

VIII. Provided always, That no Licence to sell Foreign Wine by Retail to be consumed on the Premises shall be granted for any Refreshment House which, with the Premises belonging thereto and occupied therewith, shall be under the Value of Eight Pounds a Year, nor for any Refreshment House situated in any City, Borough, Town, or Place containing a Population exceeding Ten thousand according to the then last Parliamentary Census, if such Refreshment House, with the Premises belonging thereto and occupied therewith, shall be under the Value of Fifteen Pounds a Year; and no Sheriff's Officer, Clerk of Petty Sessions, or Officer executing the legal Process of any Court of Justice, shall be capable of receiving or using any Licence under this Act to sell Wine by Retail to be consumed on the Premises; and every Licence which shall be granted contrary hereto shall be void to all Intents and Purposes.

Wine Licences not to be granted for Refreshment Houses under a certain annual Value.

Persons disqualified to hold Wine Licences.

IX. Every Person who shall keep a Refreshment House for which a Licence is required by this Act, without taking out and having in force a proper Licence in that Behalf granted to him under the Authority of this Act, shall forfeit a Sum not exceeding Twenty Pounds, which Penalty shall be denominated an Excise Penalty, and be recovered as herein-after directed.

Penalty for keeping a Refreshment House without Licence, 20*l.*

X. All

By whom Licences under this Act shall be granted.

X. All Licences authorized to be granted under this Act shall be granted by and under the Hands of the Collector or other Person having Charge of the Excise Collection, and the Supervisor of Excise of the District within which respectively the Refreshment House or other House or Shop for or relating to which any such Licence shall be required, or by such other Person or Persons as the Commissioners of Inland Revenue shall appoint or authorize in that Behalf, on Payment of the Duty chargeable for such Licences respectively; and every such Licence shall be in One of the Forms No. 1., No. 2., or No. 3., contained in the Schedule annexed to this Act: Provided always, that it shall be lawful for the Commissioners of Inland Revenue from Time to Time to make such Alterations therein as they may deem to be necessary, in consequence of any Alteration or Amendment of the Law, in order to make such Form of Licence conformable to the Law for the Time being.

Forms of Licences as in Schedule to this Act.

Licences: Date, Expiration, and Renewal thereof.

XI. All Licences which shall be granted under the Authority of this Act between the Thirty-first Day of *March* and the First Day of *May* in any Year shall be dated on the First Day of *April*, and all Licences which shall be granted at any other Time shall be dated on the Day on which the same shall be granted; and all such Licences, whensoever granted, shall have Effect on and after the Day of the Date thereof until the First of *April* then next following, and shall be renewed annually on Payment of the Duty by this Act charged thereon respectively.

On Death of a licensed Person, his Representative, or Widow or Child, may be authorized to continue the Business for which the Licence was granted.

XII. Upon the Death of any Person licensed under this Act before the Expiration of the Licence, it shall be lawful for the Persons authorized to grant Licences to authorize and empower, by Endorsement or otherwise, as the Commissioners of Inland Revenue shall direct, the Executors or Administrators or the Widow or Child of such deceased Person who shall be possessed of and occupy the Dwelling House and Premises before used for such Person, if not disqualified by Law, to continue the Business for which such Licence was granted, and to sell in the same House and Premises such Articles as by the said Licence are authorized to be sold therein, during the Residue of the Term for which such Licence was originally granted, without taking out any fresh Licence or Payment of any additional Duty thereon, and the Person so authorized and empowered shall then be deemed to be a Person licensed under this Act, and accordingly subject to the Provisions, Conditions, Regulations, and Penalties contained therein.

Notice of First Application for a Wine Licence for a Refreshment House to be given to Justices, who may object to the granting thereof on Grounds to be stated.

XIII. If any Person licensed to keep a Refreshment House shall be desirous of selling Foreign Wine by Retail to be consumed therein, he shall, previously to the granting to him for the First Time of a Licence for that Purpose, fill up and sign a Requisition for such Licence in such Form as the Commissioners of Inland Revenue shall provide in that Behalf, specifying therein the true Christian and Surname and Place of Abode of the Applicant, the Description and Situation of the House for which the Licence is required, and the net annual Value of such House, according to the Valuation thereof last made for Poor Law Purposes under the Laws then in force, and such Requisition, together with Two Copies thereof, shall be delivered to the Supervisor of Excise for the District in which such Refreshment House is situate, who shall forthwith deliver or transmit by Post One of such Copies, together with a Notice to the Effect herein-after mentioned, to the Sub-Inspector of Constabulary of the District, or in his Absence to the Head Constable, and the other of such Copies to the Clerk of Petty Sessions for the District within which such Refreshment House is situate; or, if such Refreshment House is situated within the Police District of *Dublin* Metropolis, the Supervisor of Excise shall deliver or transmit by Post in like Manner One of such Copies, together with a Notice to the Effect herein-after mentioned, to the Superintendent of Police for the Division in which such Refreshment House is situate, and the other of such Copies to the Clerk of the Divisional Justices in the Police District of *Dublin* Metropolis; and each such Copy shall be accompanied by a Notice to such Sub-Inspector and Justices respectively, signed by the said Supervisor, to the Effect that a Licence to retail Wine will be granted pursuant to such Requisition on or immediately after a Day to be specified in such Notice, not less distant than Thirty Days from the Day of the Delivery or Transmission of the same, unless in the meantime Notice in Writing, signed by a Justice or Justices in Petty Sessions, or by a Divisional Justice or Justices, as the Case may be, shall be received by the said Supervisor to the Effect that the Justice or Justices, as the

Case

Case may be, doth or do object to the granting of the said Wine Licence on One or more of the Grounds herein-after mentioned, specifying the same, that is to say, that the House for which such Licence is required is not a Confectioner's Shop, or an Eating House within the Meaning of this Act, or not of the annual Value required by this Act, or that it is a disorderly House, or a House frequented by Prostitutes or other disorderly Persons, or that it is adjudged disqualified for the Sale of Wine therein, or that the Applicant is a Member of an unlawful Society, or is disqualified from selling Wine under the Provisions of this Act, specifying the Grounds of such Disqualification respectively, or that the Applicant has within Three Years been convicted of any Offence punishable by Imprisonment, or that the Applicant having within Three Years held a Licence to keep a Common Inn, Alehouse, or Victualling House, or being licensed as a Grocer to sell Spirits, has forfeited or been refused a Renewal of such Licence; and if such Notice of Objection shall be received by the said Supervisor within the Time limited as aforesaid the said Licence shall not be granted, but if otherwise, and no such Caveat as herein-after mentioned be received by the said Supervisor, then such Licence shall be granted on Payment of the Duty by this Act charged thereon, provided the Applicant shall be entitled to such Licence under the Provisions of this Act in other respects.

Sub-Constabulary Officer or Superintendent of Police may object to the granting of such Wine Licence.

XIV. The Sub-Inspector of the District, or in his Absence the Head Constable, or, if in the Police District of *Dublin* Metropolis, the Superintendent of Police of the Division, shall be and is hereby authorized to object to the granting of such Wine Licence before any Justice or Justices at Petty Sessions, or any Divisional Justice or Justices, on One or more of the Grounds of Objection herein-before mentioned, and such Justice or Justices respectively shall then, or at some other convenient Time to be appointed, proceed to consider, examine on Oath into, and adjudicate upon the Truth, Sufficiency, and Validity of any such Objection; and if such Justice or Justices respectively shall be thereupon satisfied of the Validity of any such Objection, he or they shall by Order in Writing, to be duly entered by the Clerk, refuse to allow such Licence to be issued, and therein declare the Grounds of such Refusal: Provided always, that no such Notice of Objection shall be signed by such Justice or Justices until after they respectively shall have summoned the Applicant for such Licence to show Cause, and shall have heard him against the Objection to the granting thereof, or he shall have refused or neglected to attend before him or them respectively pursuant to such Summons; and every such Summons shall specify the Grounds of such Objection; and it shall be lawful for such Justice or Justices respectively, pending their Decision upon any such Objection as aforesaid, and before the Expiration of the said Period of Thirty Days, to transmit to the said Supervisor a Notice by way of Caveat against the granting such Licence, and in that Case the Licence shall not be granted, if within the further Period of Thirty Days from the Receipt of such Caveat the Objection to the granting of the Licence shall be affirmed by the said Justice or Justices, and Notice thereof shall be given to the said Supervisor.

Persons aggrieved may appeal to Quarter Sessions.

XV. In case any Person shall feel aggrieved by such Order of Refusal, it shall be lawful for such Person to appeal against the same to the Quarter Sessions of the Division within which such Person shall reside, or, if in the Police District of *Dublin* Metropolis, to the Recorder of the City of *Dublin* at the Quarter Sessions held next after such Order shall have been made; but in case there shall not be Fifteen clear Days between the making of the Order and such next Quarter Sessions, then to the Quarter Sessions next following in such Division or City, as the Case may be; and in such Appeal the Party opposing such Application shall be Respondent, and no other Ground for refusing such Licence shall be entered upon except such as shall be stated in such Order of Refusal; and such Appeal shall be subject to the like Incidents and be heard and dealt with by the Court of Quarter Sessions or Recorder in the like Manner as an Appeal from an Order of the Justices at Petty Sessions under the "Petty Sessions, *Ireland*, Act, 1851," save that the Recognizance to be entered into shall be in the Form in Schedule No. 4. to this Act annexed: Provided always, that such Appeal shall not be dismissed upon any Point of Form.

If Order of Refusal reversed, Supervisor to

XVI. If upon the Hearing of any Appeal from the Order of the Justices at Petty Sessions or the Divisional Justices, as the Case may be, the Justices at Quarter Sessions or the

grant such Licence.

the Recorder, as the Case may be, shall reverse the said Order, then and in such Case the Justices at Quarter Sessions, or the Recorder, shall declare the Appellant entitled to obtain such Licence, and thereupon the said Supervisor of Excise shall grant such Licence to the Appellant on the Production to such Supervisor of a Certificate from the Clerk of the Peace, in the Form No. 5. in the Schedule to this Act annexed (for which Certificate the Clerk of the Peace may charge a Sum of Two Shillings and Sixpence), certifying that the Order of Refusal had been reversed, and that the Court had declared the Appellant entitled to such Licence.

Justices may object to the Renewal or Transfer of a Wine Licence if they shall see just Cause of Objection.

XVII. Provided always, That it shall be lawful for any Justice or Justices at Petty Sessions, or for any Divisional Justice or Justices, as the Case may be, after any such Wine Licence shall have been granted for any Refreshment House within their respective Jurisdictions, but Three Months at least before the Expiration of such Licence, to give Notice to the Holder thereof to appear before him or them respectively, and show Cause why an Objection (stating the Grounds thereof) should not be lodged against a Renewal or Transfer of his Licence; and if upon the Hearing the said Justice or Justices respectively shall see just Cause of Objection on One or more of the Grounds herein-before mentioned (in respect of granting for the First Time such Wine Licence), such Justice or Justices respectively shall give to the said Supervisor of the District within which the said Refreshment House shall be situated Notice of Objection against the Renewal or Transfer of such Licence, and shall specify the Grounds of Objection in such Notice, and make an Order accordingly; and on the Expiration of such Wine Licence, after such Notice as aforesaid given to the Supervisor, no Renewal or Transfer thereof shall be granted unless the Decision of the said Justice or Justices respectively shall be reversed upon an Appeal against the same, as herein-after allowed: Provided always, that it shall be lawful for the Holder of the said Licence to appeal against the said Order of Refusal to the Quarter Sessions of the Division within which such Person shall reside, or, if in the Police District of *Dublin* Metropolis, to the Recorder of the City of *Dublin*, at the Quarter Sessions which shall be held in such Division or City (as the Case may be) after the Expiration of Ten Days from the making of such Order of Refusal, upon giving Seven Days previous Notice in Writing to such Justice or Justices respectively of his Intention so to appeal; and such Court of Quarter Sessions for such Division or City respectively shall hear and finally determine the said Appeal; and upon Notice of such Determination given to the said Supervisor the said Licence shall be refused or granted in conformity therewith; provided always, that such Appeal shall be subject to the like Incidents and Provisions (so far as the same are applicable), and shall be heard and dealt with by the Court of Quarter Sessions, or Recorder, in the like Manner as an Appeal from an Order of Refusal of such Justice or Justices respectively to grant for the First Time a Wine Licence under the Provisions of this Act; and if the Appellant shall be declared entitled to the Renewal or Transfer of such Licence, the Supervisor of Excise shall grant such Licence on the Production of a Certificate from the Clerk of the Peace as herein-before provided.

A List of Licences to be kept by Collectors and Supervisors for Inspection of the Justices, and Copies of the List to be transmitted to the Justices Clerk.

XVIII. A List or Register of every Licence granted under the Authority of this Act, specifying the Name and Place of Abode of every Person licensed, and the Name and Description of the House for which such Licence shall be granted, and whether the Licence shall be to keep a Refreshment House or for the Sale of Wine therein, shall be kept at the Office or Dwelling House of every Collector and Supervisor of Excise in their respective Collections and Districts; and such List or Register shall at all Times be produced to and shall be open to the Inspection and Perusal of any Justice of the County or Place where such Licence shall be granted and where such House shall be situate, and a Copy of such List and Register shall, once in every Six Months, be transmitted by every Collector and Supervisor of Excise to the Clerk of Petty Sessions for the District within which such Refreshment House is situated for which such Licence shall be granted, or if such Refreshment House is situated within the Police District of *Dublin* Metropolis, to the Clerk of the Divisional Justices in such District, and any Copy or Extract of or from such List or Register which shall be at any Time required by such Clerk respectively shall be given to him by such Collector or Supervisor whenever thereto required.

XIX. In

In case of Complaint licensed Retailers of Wine to produce their Licences on Requisition of Justice.

XIX. In case any Complaint shall be laid before any Justice or Justices against any Person licensed to sell Wine by Retail under the Authority of this Act, for any Offence against the Tenor of his Licence or against this Act, it shall be lawful for such Justice or Justices (if he or they shall think fit) to require such Person to produce his Licence before them, for their Examination; and if such Person shall wilfully neglect or refuse so to do he shall forfeit and pay any Sum not exceeding Five Pounds, as the said Justice or Justices shall think proper.

Constables and Police Officers empowered to visit licensed Refreshment Houses.

Penalty for refusing them Admittance.

XX. It shall be lawful for any Inspector or Superintendent or Serjeant of Police, or for any County Inspector, Sub-Inspector, Head or other Constable, when and so often as he or they shall respectively think proper, to enter at any Time between the Hours of Nine at Night and Seven in the Morning into all Houses licensed as Refreshment Houses under the Authority of this Act, and into and upon the Premises belonging thereto; and if any Person licensed to keep a Refreshment House, or any Servant or other Person in his Employ or by his Direction, shall refuse to admit or shall not admit any such Officer of Police or Constable demanding Admittance into such Refreshment House or upon such Premises, the Person so licensed shall for the First Offence forfeit and pay any Sum not exceeding Five Pounds, together with the Costs of Conviction, to be recovered before One or more Justices, on Information or Complaint made within Seven Days next after the Day on which such Offence was committed; and it shall be lawful for any such Justice or Justices before whom any such Person shall be convicted for the Second Time of any such Offence to adjudge (if he or they shall so think fit) the Licence or Licences of such Offender in respect of such Refreshment House to be forfeited, and that he shall be disqualified from having any Licence granted to him under this Act in respect of such House for the Space of Two Years, or for such shorter Space of Time as he or they may think proper to adjudge.

Licence to be forfeited on Second Conviction if Justices think fit.

Penalty for selling Wine by Retail without Licence.

XXI. Every Person who shall sell any Wine by Retail, whether to be consumed on the Premises or not, without having a proper Licence in force duly authorizing him in that Behalf, shall, over and above any other Penalty to which he may be liable, forfeit the Sum of Twenty Pounds, which shall be denominated an Excise Penalty.

Additional Penalty on unlicensed Persons selling Wine.

XXII. If any Person, not being duly licensed to sell Wines, shall retail any Wine, either to be consumed in or upon the House or Premises or off the Premises where sold, or if any Person shall sell any Wine to be consumed in or upon the House or Premises where sold without being licensed so to do, such Person shall, in addition to any Excise Penalty to which he may thereby become subject, forfeit the Sum of Five Pounds.

What shall be deemed Foreign Wine, and what be deemed Spirits.

XXIII. All Liquor which shall be sold or offered for Sale by any Person, whether licensed under this Act or not, as being Foreign Wine, or under the Name by which any Foreign Wine is usually designated or known, shall, as against the Person who shall so sell or offer the same for Sale, be deemed and taken to be Foreign Wine; and any Fermented Liquor containing a greater Proportion than Forty *per Centum* of Proof Spirit shall be deemed and taken to be Spirits.

Licences to be void on Conviction of Felony or selling Spirits without Licence.

XXIV. Every Person who shall be convicted of Felony or of selling Spirits without Licence shall for ever thereafter be disqualified from selling Wine by Retail, and no Licence to sell Wine by Retail under this Act shall be granted to any Person who shall have been so convicted as aforesaid; and if any Person shall, after having been so convicted as aforesaid, take out or have any Licence to sell Wine by Retail under this Act, the same shall be void to all Intents and Purposes; and every Person who shall, after being convicted as aforesaid, sell any Wine by Retail in any Manner whatsoever, shall incur the Penalty for so doing without Licence; and in all such Cases, in the Prosecution for the Recovery of such Penalty a Certificate from the Clerk of Assize or the Clerk of the Peace or Person acting as such of any such Conviction as aforesaid shall on the Trial in such Prosecution be legal Evidence thereof.

Licensed Retailers of Wine to make Entry

XXV. Every Person licensed to retail Wine under this Act shall, in manner directed by the Laws of Excise in that Behalf, make Entry with the proper Officer of Excise of every

of Houses, &c. with the Excise.

House, Cellar, Room, and Place for storing, keeping, or retailing of Wine, on pain of forfeiting the Penalties imposed by the Statutes in that Behalf for making use of any unentered Room or Place; and all Wine found in any such unentered House, Cellar, Room, or Place shall be forfeited.

Excise Officers, &c. empowered to enter the Premises of licensed Retailers of Wine.

XXVI. It shall be lawful for any Officer of Excise, or for any Inspector of Constabulary, Superintendent of Police, Head or other Constable, during the Hours in which any House licensed for the Retail of Wine to be consumed on the Premises may be kept open, to enter into every House, Cellar, Room, or Place used for the storing, keeping, or retailing of Wine to be consumed as aforesaid, and to make search for and seize all Spirits which may be found in any such House, Cellar, Room, and Place, and to examine all Wine kept therein; and all Powers granted to such Officer of Excise, Inspector, Superintendent of Police, Head or other Constable, by an Act of the Seventeenth and Eighteenth Years of the Reign of Her Majesty, Chapter Eighty-nine, Section Twelve, shall and may be exercised with respect to Houses licensed for the Retail of Wine under this Act.

Penalty on Persons licensed to retail Wine having Spirits in their used Premises.

XXVII. If any Person licensed to retail Wine under this Act shall receive into or keep or have in his Possession, in any Cellar, Room, or Place used for storing, keeping, or retailing Wine, any Spirits, he shall, in addition to all other Penalties, forfeit the Sum of Fifty Pounds, which shall be denominated an Excise Penalty; and all Spirits found in any such Cellar, Room, or Place shall be forfeited; and on Conviction of any such licensed Person in any Penalty for having Spirits in his Possession, or for selling or retailing Spirits, the Licence of such Person for retailing Wine shall become null and void, and shall be so adjudged.

Standard Measures to be used in the Sale of Wine.

XXVIII. Every Person licensed under this Act to sell Wine by Retail shall, if required, sell or otherwise dispose of all such Wine (except Wine in Bottle and Quantities less than Half a Pint) by the Gallon, Quart, Pint, or Half Pint Measure, sized or marked according to the Standard, and shall also, if required by any Guest or Customer purchasing such Wine, retail the same in a Vessel sized or marked according to such Standard; and in default thereof he shall for every such Offence forfeit the illegal Measure, and pay a Sum not exceeding Forty Shillings, together with the Costs of the Conviction, to be recovered by Information or Complaint made within Seven Days next after that on which the Offence was committed, before any Justice or Justices at Petty Sessions or Divisional Justice or Justices, as the Case may be; and such Penalty shall be over and above all Penalties to which the Offender may be liable under any other Act.

Limitation of Hours for opening and closing Houses licensed for the Sale of Wine by Retail.

XXIX. No Person licensed under this Act to sell Wine by Retail shall have or keep his House open for the Sale of Wine, nor shall sell any Wine, nor shall suffer any Wine to be drunk or consumed in or at such House at any Time before the Hour of Seven of the Clock in the Morning, nor after Eleven of the Clock at Night, of any Day in the Week within the Police District of *Dublin* Metropolis; nor after Eleven of the Clock at Night within any City, Town Corporate, or Place, the Population of which, according to the last Parliamentary Census, shall exceed Two thousand five hundred, or within One Mile, to be measured as aforesaid, from any Polling Place used at the last Election for any Town having a like Population, and returning a Member or Members to Parliament; nor after Ten of the Clock at Night elsewhere; nor shall any such House be open for the Sale or Consumption therein of any Article whatever at any Time during which Houses licensed for the Sale of Spirits, Wine, Beer, Ale, Cider, or Perry, are or hereafter shall be closed on any *Sunday, Good Friday,* or *Christmas Day,* or any Day appointed for a Public Fast or Thanksgiving; nor at any Time between the Hours of One and Four of the Clock in the Morning on any Day whatever; and if any Person licensed as aforesaid shall keep his House open for selling or shall sell any Wine, or suffer any Wine to be drunk or consumed in or at such House, at any other Time than as herein-before prescribed and directed, or shall keep his House open as aforesaid, contrary to any Prohibition in this Clause contained, he shall forfeit the Sum of Forty Shillings for every Offence; and every separate Sale shall be deemed a separate Offence: Provided always, that nothing in this Clause contained

Exception in favour of Lodgers.

shall

shall extend to prevent the Keeper of a Refreshment House, being duly licensed to retail Wine, from selling to any Lodger therein any Wine at any Hour of the Day or Night, either on *Sunday* or any other Day.

Houses licensed for the Sale of Wine to be closed by Order of Justices in Cases of Riot, &c.

XXX. It shall be lawful for any Two Justices acting for any County or Place where any Riot or Tumult shall happen or be expected to take place to order or direct that every Person licensed under the Authority of this Act to sell Wine by Retail in any House within their respective Jurisdiction, in or near the Place where such Riot or Tumult shall happen or be expected to take place, shall close his House at any Time which the said Justices shall order or direct; and every such Person who shall keep open his House at or after any Hour at which such Justices shall have so ordered or directed such House to be closed shall be taken and deemed to have not maintained good Order and Rule therein, and to be guilty of an Offence against the Tenor of the Licence granted to him.

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

XXXI. Every Person licensed under this Act to sell Wine by Retail who shall permit any Person to be guilty of Drunkenness or other disorderly Conduct in the House or Premises mentioned in such Licence, or who shall himself be guilty of any such disorderly Conduct, shall for every such Offence forfeit the respective Sums following; and every Person who shall transgress or neglect or shall be a Party in transgressing or neglecting the Conditions and Provisions specified in such Licence, or shall allow such Conditions or Provisions to be in any way transgressed or neglected in the said House or Premises, shall be deemed guilty of disorderly Conduct; and every Person so licensed who shall permit or be guilty of any such disorderly Conduct shall for the First Offence forfeit any such Sum not less than Forty Shillings nor more than Five Pounds, as the Justice or Justices before whom he shall be convicted of such Offence shall adjudge, and for the Second Offence any Sum not less than Five Pounds nor more than Ten Pounds, and for the Third such Offence any Sum not less than Twenty Pounds nor more than Fifty Pounds; and it shall be lawful for the Justice or Justices before whom any such Conviction for any such Second or Third Offence shall take place to adjudge, if he or they shall so think fit, that such Offender shall be disqualified from selling Wine by Retail for any Term not exceeding Five Years next ensuing such Conviction, and to cause a Certificate of such Conviction to be transmitted to the Collector of Inland Revenue within whose District the Person so convicted shall reside; and if any Person so licensed as aforesaid shall mix or cause to be mixed any Spirits or any Drugs or other pernicious Ingredients with any Wine sold in his House or Premises, or shall fraudulently dilute or in anyways adulterate any such Wine, or shall sell or offer for Sale any Wine which, to the Knowledge of such Person, has been so mixed, diluted, or adulterated, he shall for the First Offence forfeit any Sum not less than Ten Pounds nor more than Twenty Pounds, as the Justice or Justices before whom he shall be convicted of such Offence shall adjudge, and for the Second such Offence he shall be disqualified from selling Wine by Retail for the Term of Five Years, or forfeit any Sum of Money not less than Twenty Pounds nor more than Fifty Pounds, at the Discretion of the Justice or Justices before whom he shall be adjudged guilty of such Offence; and if any Offender convicted of such Second Offence as last aforesaid shall during such Term of Five Years sell any Wine by Retail, either in the House and Premises mentioned in his Licence or in any other Place, he shall forfeit any Sum not less than Twenty-five Pounds nor more than Fifty Pounds, and shall be subject to a like Penalty at any and every House or Place where he shall commit such Offence.

First Offence.

Second Offence.

Third Offence.

Penalty for mixing Spirits or Drugs in Wine or adulterating Wine.

First Offence.

Second Offence.

Penalty on selling Wine after Conviction of Second Offence.

Penalties other than Excise Penalties recoverable before a Justice or Justices in Petty Sessions, &c. within Three Months after Offence committed.

XXXII. All Penalties under this Act, except those denominated Excise Penalties, shall be recovered upon the Information or Complaint of any Inspector or Superintendent or Serjeant of Police, or any County Inspector, Sub-Inspector, Head or other Constable, before any Justice or Justices at Petty Sessions or before any Divisional Justice or Justices in the Police District of *Dublin* Metropolis, and shall be prosecuted and proceeded for within Three Calendar Months next after the Commission of the Offence in respect of which such Penalty shall be incurred, or within such shorter Time as may be herein limited with regard to any particular Penalty; and every Person licensed under this Act to retail Wine, to be consumed on the Premises, who shall be convicted before any such Justice or Justices respectively of any Offence against the Tenor of the Licence to him granted under this Act,

or

or of any Offence for which any Penalty is imposed by this Act, shall, unless Proof be adduced to the Satisfaction of such Justice or Justices respectively that such Person had been theretofore convicted within the Space of Twelve Calendar Months next preceding of some Offence against the Tenor of his Licence or against this Act, be adjudged to be guilty of a First Offence against the Provisions of this Act, and to forfeit and pay any Penalty by this Act imposed for such Offence, or if no specific Penalty be so imposed then any Sum not exceeding Five Pounds, together with the Costs of the Conviction; and if such Proof as aforesaid shall be adduced that such Person had been previously convicted within the Space of Twelve Calendar Months next preceding of One such Offence only, such Person shall be adjudged to be guilty of a Second Offence against the Provisions of this Act, and to forfeit and pay any Penalty by this Act imposed for such Offence, or if no specific Penalty be so imposed then any Sum not exceeding Ten Pounds, together with the Costs of the Conviction; and if such Proof as aforesaid shall be adduced that such Person had been previously convicted within the Space of Eighteen Calendar Months next preceding of Two such separate Offences, and if Proof shall be adduced to the Satisfaction of such Justice or Justices respectively that such Person so charged is guilty of the Offence charged against him, such Person shall be adjudged to be guilty of a Third Offence against the Provisions of this Act, and to forfeit any Penalty imposed by this Act in respect of such Offence, or if no such specific Penalty shall be so imposed then to forfeit and pay the Sum of Fifty Pounds, together with the Costs of the Conviction.

Second Offence.

Third Offence.

Justices may adjudge Premises disqualified for Sale of Wine on Proof that within Two Years last preceding such Third Conviction Two Convictions have taken place.

XXXIII. It shall be lawful for any such Justice or Justices before whom any Person holding a Licence under this Act for the Sale of Wine by Retail shall be convicted of any Offence against the Tenor of the said Licence, or for which any Penalty is imposed by this Act, if Proof shall be adduced to their Satisfaction that within Two Years last preceding such Conviction Two Convictions for any such Offence of the same Person, or of any other Person licensed in respect of the same House or Premises, have taken place, to declare the Licence granted in respect of the said House or Premises forfeited and void, and to adjudge that no Licence for the Sale of Wine shall be granted to any Person whatever in respect of the said House or Premises for the Term of Three Years from the Date of such Adjudication, of which Adjudication the Justice or Justices shall give Notice to the Supervisor of Excise; and any Licence for the Sale of Wine that may be granted in respect of the said House or Premises during the said Term of Three Years shall be null and void.

Penalties for Offences in Refreshment Houses.

XXXIV. Every Person licensed to keep a Refreshment House under this Act who shall (without a Licence for that Purpose) sell or permit or suffer to be sold within such Refreshment House any intoxicating Liquor, or shall knowingly suffer any unlawful Games or Gaming therein, or knowingly suffer Prostitutes, Thieves, or drunken and disorderly Persons, or Members of an unlawful Society to assemble at or continue in or upon his Premises, or do, suffer, or permit any Act in contravention of his Licence, shall, upon Conviction thereof before any such Justice or Justices as herein-before mentioned, pay for the First Offence a Fine not exceeding Forty Shillings, for the Second Offence a Fine not exceeding Five Pounds, and for every subsequent Offence a Fine not exceeding Twenty Pounds, or be subject to a Forfeiture of his Licence, at the Discretion of such Justice or Justices before whom he shall be convicted; and in case of such Forfeiture of his Licence, such Person shall be disqualified for the Space of One Year then next ensuing from obtaining a fresh Licence; and such fresh Licence, if obtained within the said Year, shall be absolutely null and void to all Intents and Purposes.

Power to Justices to mitigate Penalties.

XXXV. It shall be lawful for the Justice or Justices before whom any Person shall be convicted of any Offence against this Act to mitigate, if he or they shall see Cause, any Penalty incurred for such Offence; provided that where any Conviction shall take place on any Information exhibited under the Laws of Excise such Penalty shall not be mitigated to any less Sum than One Fourth Part thereof.

Appeal to the Sessions against a Second or Third Conviction.

XXXVI. Provided always, That it shall be lawful for the Party convicted of any such Second or Third Offence to appeal to the Quarter Sessions of the Division within which such Person shall reside, or if in the Police District of *Dublin* Metropolis, to the Recorder of

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

Court to adjudge Costs of Appeal in certain Cases.

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

Proceedings on Appeal to be carried on by the Constable, and the Expenses of Prosecution to be

XXXVIII. In every Case in which any Appeal shall be made by any Person convicted of any Offence under the Provisions of this Act to the Quarter Sessions it shall be lawful for the convicting Justice or Justices, if no other fit and proper Person shall appear to prosecute such Charge, and to carry on such Proceedings as may be necessary to obtain at such Session an Adjudication thereon, to order that an Inspector, or Superintendent, or Serjeant of Police within

charged on the County.

within the Police District of *Dublin* Metropolis, or, if elsewhere, a County Inspector, Sub-Inspector, Head or other Constable of the District in which the House kept by the Person charged shall be situate, as to the said Justice or Justices respectively shall seem fit, shall carry on all Proceedings necessary to obtain such Adjudication as aforesaid, and to bind any such Inspector, Superintendent, or Serjeant of Police, or County Inspector, Sub-Inspector, Head or other Constable, in a sufficient Recognizance so to do; and it shall be lawful for the Justice or Justices before whom such Offender shall have been convicted to order the Treasurer of the County in and for which such Justice or Justices shall then act to pay to such Inspector, Superintendent, Serjeant of Police, or County Inspector, Sub-Inspector, Head or other Constable, and to the Witnesses on his Behalf, such Sum or Sums of Money as to the Court shall appear to be sufficient to reimburse them respectively the Expenses which they shall have been severally put to in and about such Prosecution, which Order the Clerk of the Peace is hereby directed and required forthwith to make out, and to deliver to such Constable, Superintendent, Inspector, or other Peace Officer and Witnesses respectively; and the said Treasurer is hereby authorized and required, upon Sight of such Order, forthwith to pay to the Person authorized to receive the same such Money as aforesaid, and the said Treasurer shall be allowed the same in his Accounts.

Justice or Justices empowered to summon Witnesses and examine them on Oath.

XXXIX. It shall be lawful for the said Justice or Justices before whom respectively any Question shall be depending touching any Objection against the granting or renewing of a Licence under the Provisions of this Act, to summon Witnesses on behalf of either Party to such Question, and to examine all such Witnesses on Oath, and to do and perform all Things necessary for the due and proper Hearing and Determination of such Question, and also to order Payment of Fees, Allowances, and reasonable Expenses to all Witnesses, Constables, and other Persons by whom any Duties shall have been performed or Expenses or Loss of Time incurred respectively under this Act; and the Amount of such Fees, Allowances, and Expenses shall be ascertained according to the Tables of Fees and Allowances for the Time being in force in the District within which the Refreshment House in question shall be situate; and the Order for Payment may be made at the Discretion of the said Justice or Justices, either wholly or partially, on the Applicant or on the Objector; and the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," for the Recovery of Costs ordered by a Justice or Justices in Petty Sessions to be paid, shall apply to all Costs, Allowances, and Expenses ordered to be paid under this Act.

Penalty on Witnesses refusing to attend or to give Evidence.

XL. Any Person summoned as a Witness to give Evidence before any Justice or Justices or Sessions touching any Matters arising under this Act, either on the Part of the Complainant or of the Person accused, or of any Person interested in any 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 Justice or Justices or Sessions, or who appearing shall refuse to be examined on Oath or Affirmation and give Evidence, shall, on Conviction, forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty for harbouring Constables while on Duty.

XLI. Every Person licensed to sell Wine, Spirits, Beer, Cider, or any other fermented or distilled Liquors by Retail, to be drunk or consumed on the Premises, who knowingly harbours or entertains, or suffers to remain in the Place 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 Disturbance or restoring Order, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings.

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

Constables required to assist

XLII. Any Person who shall be drunk, riotous, quarrelsome, or disorderly in any Shop, House, Premises, or Place licensed for the Sale of Beer, Wine, or Spirituous Liquors by Retail to be consumed on the Premises, or for Refreshment, Resort, and Entertainment under the Provisions of this Act, and shall refuse or neglect to quit such Shop, House, Premises, or Place upon being requested so to do by the Manager or Occupier, or his Agent or Servant, or by any Constable, shall, on Conviction thereof before any Justice or Justices, be liable to pay a Fine not exceeding Forty Shillings; and all Constables are hereby authorized, empowered, and required, on the Demand of such Manager, Occupier, Agent, or Servant,

Servant, to assist in expelling such drunken, riotous, quarrelsome, and disorderly Persons from such Shops, Houses, Premises, and Places. in expelling them.

XLIII. From and after the passing of this Act it shall be lawful for any Person selling or licensed to sell Beer, Cider, Spirits, or Wine by Retail, to be drunk or consumed on the Premises, in *Ireland*, to keep his House open, and to sell and retail Spirits, Wine, and Beer as aforesaid, at any Time between the Hour of Seven of the Clock in the Morning and the Hour of Eleven o'Clock at Night on every Day except *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving, and on all such last-mentioned Days at any Time between the Hour of Two of the Clock in the Afternoon and the Hour of Eleven o'Clock at Night, being the Times limited by the Fourteenth Section of an Act passed in the Fourth Year of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail in* Ireland; but any licensed Person selling at any other Times than those so limited shall be liable to the Penalties imposed by the said last-mentioned Act. Hours for keeping open Premises occupied by Persons licensed to sell Beer, &c. to be consumed on Premises.

XLIV. All Proceedings under this Act for the Recovery of Penalties ordered by any Justice or Justices to be paid, or for the Recovery of Penalties incurred under this Act (except the Penalties herein denominated "Excise Penalties"), and the Appearance of any Witness, and the Hearing and Determination of any Complaints, or any other Matter relating thereto, shall be subject in all respects to the Petty Sessions (*Ireland*) Act, 1851, as the same is amended by "The Petty Sessions Clerks (*Ireland*) Act, 1858," when the Case shall be heard in any Petty Sessions District, and to the Provisions of the Acts relating to the Divisional Police Offices when the same shall be heard in the Police District of *Dublin* Metropolis, so far as the said Provisions shall be consistent with any special Provisions of this Act; and when any Fine or Penalty is imposed under the Provisions of this Act, such Fines and Penalties shall be paid over to such Purposes and applied in such Manner as is provided by "The Fines Act (*Ireland*), 1851." Proceedings under this Act for the Recovery of Penalties, &c.

XLV. The Penalties imposed by this Act denominated Excise Penalties shall be recovered, levied, mitigated, and applied by the same Ways, Means, and Methods, and in like Manner, as Penalties may be recovered, levied, mitigated, and applied under the Laws of Excise in that Behalf. How Excise Penalties under this Act are to be recovered, &c.

XLVI. Provided always, That any Covenant or Clause of Restriction contained in any Lease or Contract between a Landlord and Tenant, whereby any House, Building, or Place is prohibited from being used as a Public House, shall be construed to apply and extend to every Person who shall be licensed to sell Wine to be consumed on the Premises under the Provisions of this Act, and to any House specified in the Licence granted to such Person. Covenants against Houses, &c. being used as Public Houses to extend, &c.

XLVII. In the Construction of this Act the word "Treasurer" shall include "Finance Committee." Interpretation of Terms.

XLVIII. This Act shall extend to *Ireland* only. To extend to Ireland only.

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## SCHEDULE.

### No. 1.

*Form of Licence to the Keeper of a Refreshment House.*

We, the undersigned, being the Collector and Supervisor of Excise for the Collection of and District of , do hereby authorize and empower , now being a Householder, and dwelling in a House in , in the Parish of , within the Limits of the said Collection and District, to keep open the said House as a Refreshment House, and to sell any Victual or Refreshment to be consumed therein, and in the Premises thereunto belonging (provided that for the Sale of any exciseable Liquor he shall have in force a proper Licence granted to him in that Behalf), and for this Licence he hath paid the Sum of , the said House and Premises being of [*or* under, *as the Case may be*] the Value of ( ) Pounds a Year,

a Year, according to the Valuation thereof made for Poor Law Purposes under the Laws now in force; and this Licence is granted upon Condition that the said do not wilfully or knowingly permit any Drunkenness, or any violent or quarrelsome or other disorderly Conduct, in his House or Premises, nor knowingly suffer any unlawful Games or any gaming whatsoever therein, nor knowingly suffer or permit Persons of known bad Character to assemble and meet together therein, but do maintain good Order and Rule therein: And this Licence shall continue in force from the Day of until the First Day of April next ensuing, and no longer; and this Licence shall cease and determine, and shall become void, in case any of the Conditions or Regulations contained therein shall be transgressed or shall not be observed by the said .

Given under our Hands, this Day of 186 .

, Collector.
, Supervisor.

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No. 2.

*Form of Licence to the Keeper of a Refreshment House to sell therein Wine by Retail to be consumed on the Premises.*

We, the undersigned, being the Collector and Supervisor of Excise for the Collection of and District of , do hereby authorize and empower , now being a Householder, and dwelling in a House in , in the Parish of , within the Limits of the said Collection and District, for which he has taken out a Licence as a Refreshment House, to sell therein Foreign Wine by Retail, in order that it may be consumed in the said Refreshment House and in the Premises thereunto belonging, and for this Licence he hath paid the Sum of , the said House and Premises being of [*or* under, *as the Case may be*] the Value of ( ) Pounds a Year, according to the Valuation thereof made for Poor Law Purposes under the Laws now in force, and this Licence is granted upon Condition that the said do not mix or cause to be mixed any Spirits, or any Drugs or other pernicious Ingredients, in any Wine sold in his said House and Premises, nor fraudulently dilute, or in anyways adulterate any such Wine, nor sell or offer for Sale any Wine which to his Knowledge has been so mixed, diluted, or adulterated; nor use in selling any Wine any Measures which are not of the legal Standard; nor wilfully or knowingly permit any Drunkenness, or any violent or quarrelsome or other disorderly Conduct in his House or Premises; nor knowingly suffer any unlawful Games or any gaming whatsoever therein, nor knowingly suffer or permit Persons of known bad Character to assemble and meet together therein, but do maintain good Order and Rule therein; nor have or keep his House or Premises open for the Sale of any Victual, Refreshment, or Wine, nor sell any Victual, Refreshment, or Wine, nor suffer the same to be consumed or drunk in or at such House or Premises, at any Time before the Hour of ( ) o'Clock in the Morning nor after any Hour of the Clock at Night prohibited by the Act 23d Victoria, Cap. [*this Act*], nor have or keep his House or Premises open for the Sale or Consumption therein of any Article whatever at any Time during which the Houses for the Sale of Spirits, Wine, Beer, Ale, Cider, or Perry are required by Law to be closed on any Sunday, Christmas Day, or Good Friday, or any Day appointed for a Public Fast or Thanksgiving, except to a Lodger therein; and this Licence shall continue in force from the Day of until the First Day of April next ensuing, and no longer: Provided and upon Condition that the said shall not in the meantime become a Sheriff's Officer, or Officer for executing the legal Process of any Court of Justice; and this Licence shall cease and determine and shall become void in case any of the Conditions or Regulations contained therein shall be trangressed or shall not be observed by the said .

Given under our Hands, this Day of 186 .

, Collector.
, Supervisor.

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No.

No. 3.

*Form of Licence to sell Wine by Retail, not to be consumed on the Premises.*

We, the undersigned, being the Collector and Supervisor of Excise for the Collection of and District of do hereby authorize and empower , now keeping a Shop for the Sale of Goods and Commodities at , in the Parish of , within the Limits of the said Collection and District, to sell therein Foreign and British Wine by Retail, and in reputed Quart or Pint Bottles only, and not to be consumed in the House or Shop or on the said Premises where sold, and for this Licence he hath paid the Sum of , the House and Premises being of [*or* under, *as the Case may be*] the Value of ( ) Pounds a Year according to the Valuation thereof made for Poor Law Purposes under the Laws now in force; and this Licence is granted upon Condition that the said do not mix or cause to be mixed any Spirits or any Drugs or other pernicious Ingredients in any Wine sold in his Shop or Premises, nor fraudulently dilute or in anyways adulterate any such Wine, nor sell or offer for Sale any Wine which to his Knowledge has been so mixed, diluted, or adulterated; and this Licence shall continue in force from the Day of until the First Day of April next ensuing, and no longer.

Given under our Hands, this Day of 186 .

, Collector.

, Supervisor.

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No. 4.

*Form of Recognizance.*

*A.B.* Appellant. } Petty Session District of , County of ,
*C.D.* Respondent. } *or* Dublin Metropolitan Police District of .

Whereas the Justice or Justices [*or if in the City of Dublin, A.B.,* Divisional Justice], on the Day of 18 , made an Order refusing to grant to the Appellant, being licensed to keep a Refreshment House, a Licence [*or* a Renewal of a Licence, *as the Case may be*], to entitle him [*or* her] to sell Foreign Wine by Retail to be consumed therein, upon the Grounds that [*state Grounds mentioned in the Order*]: The undersigned, principal Party to this Recognizance, hereby binds himself [*or* herself] to perform the following Obligation; that is to say, to prosecute his [*or* her] Appeal at the Quarter Sessions to be held at , and to pay such Costs as the [Chairman *or* Recorder] shall order or direct; and the said principal Party, together with the undersigned Sureties, hereby severally acknowledge themselves bound to forfeit to the Crown the Sums following; that is to say, the said principal Party the Sum of ( ), and the undersigned Sureties the Sum of ( ) each, in case the principal Party fails to perform his [*or* her] Obligation.

(Signed) *A.B.* (Principal Party.)
*E.F.* } (Sureties.)
*G.H.* }

Taken before me this Day of , 18 , at .
(Signed) *Y.Z.* (Justice *or* Divisional Justice.)

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No. 5.

*Form of Certificate.*

Quarter Sessions District of , County of .

*A.B.*, Appellant. } I certify, that on the Hearing of the Appeal in this Case from an
*C.D.*, Respondent. } Order made by the Justices of the Petty Sessions District of [*or* *A.B.*, Divisional Justice,] on the Day of last, refusing

to grant to the Appellant, being licensed to keep a Refreshment House, a Licence [*or* a Renewal of a Licence] to entitle him to sell Foreign Wine by Retail to be consumed therein, it was ordered by the Court that the said Order of Refusal be reversed, and the said Appellant was declared entitled to obtain such Wine Licence [*or* such Renewal of such Wine Licence].

Dated this Day of .

, Clerk of the Peace.

## C A P. CVIII.

An Act to amend the Industrial Schools Act, 1857. [28th *August* 1860.]

20 & 21 Vict. c. 48.

'WHEREAS an Act was passed in the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter Forty-eight, "to make better Provision for the 'Care and Education of vagrant, destitute, and disorderly Children, and for the Extension 'of Industrial Schools," and by the said Act Powers are vested in the Committee of Her 'Majesty's Privy Council on Education of causing Examination and Reports to be made as 'to Industrial Schools, and of granting and withdrawing Certificates for the Purposes of 'the said Act: And whereas it is expedient that the Powers vested in the said Committee 'under the said Act should be transferred to the Secretary of State:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Powers of the Committee of Council on Education under 20 & 21 Vict. c. 48. transferred to the Secretary of State.

I. All the Powers now vested in the Committee of the Privy Council on Education under the said Act shall be vested in and shall be exercised by One of Her Majesty's Principal Secretaries of State, and the said Act shall be construed as if, where such Committee is therein mentioned or referred to, such Secretary of State had been mentioned or referred to; and any Certificate which by the said Act was to be granted under the Hand of the President of Her Majesty's Privy Council or of the Vice-President of the said Committee thereof may be granted under the Hand of the Secretary of State.

The Application which, by the 15th and 16th Sections of said Act, is directed to be made by the School Manager, may be made by any Person authorized by Secretary of State.

II. 'And whereas by the Fifteenth and Sixteenth Sections of the said Act it is provided 'that any Justices of the County in which the certified Industrial School to which any 'Child has been sent is situate, or in which the Parent is residing, may, upon the Complaint 'of the Managers of such School, summon the Parent, and may order him to pay to such 'Managers a weekly Sum according to his Ability:' Be it enacted, That it shall be lawful for any such Justices to take any of the Steps prescribed by the said Fifteenth and Sixteenth Sections, upon the Complaint of any Person authorized by the Secretary of State, although no Complaint may have been made on the Part of the Managers of the School.

## C A P. CIX.

An Act for defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of *Dover* and *Portland*, and of creating a Central Arsenal. [28th *August* 1860.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, having considered the State, Condition, and Sufficiency of the Fortifications existing for the Defence of the United