ANNO TRICESIMO QUINTO

Georgii III. Regis.

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CAP. CXIII.

An Act for the more effectual Prevention of selling Ale and other Liquors by Persons not duly licensed. [26th *June* 1795.]

Preamble. 5 *Geo.* III, Cap. 46, in Part recited.

WHEREAS, by an Act, made in the Fifth Year of the Reign of His present Majesty, intituled, *An Act for altering the Stamp Duties upon Admissions into Corporations or Companies; and for further securing and improving the Stamp Duties in* Great Britain; after reciting that, by the Laws then in force in that Part of *Great Britain* called *England*, and Dominion of *Wales*, and Town of *Berwick upon Tweed*, Persons selling Ale or Beer, or other Excisеable Liquors, by Retail, without Licence, were liable and subject by different Laws to different Penalties and Punishments, which had occasioned much Confusion, and an ill and improper Use had been made thereof in many Instances; for the Prevention whereof it was enacted, that, from and after the Fifth Day of *July* One thousand seven hundred and sixty-five, every Person lawfully convicted of selling Ale or Beer, or other Excisеable Liquors, by Retail after that Day, in that Part of *Great Britain* called *England*, the Dominion of *Wales*, or Town of *Berwick upon Tweed*, without being duly licensed so to do, should, for every such Offence, forfeit and undergo the several Penalties and Punishments therein-after mentioned and provided in that Behalf, instead and in lieu of the several pecuniary and corporal Punishments, which they were then

then liable or ſubject to by any Law then in force; that is to ſay, For the Firſt Offence the Sum of Forty Shillings, and alſo the Coſts and Expences of convicting ſuch Offender; and in caſe ſuch Sum, together with the Charges and Expences of convicting ſuch Offender, ſhould not be paid within the Space of Fourteen Days next after ſuch Conviction, that then the Offender ſhould ſuffer Impriſonment for the Space of One Month, unleſs he or they ſhould ſooner pay ſuch Penalty, and the Coſts, Charges, and Expences, of ſuch Conviction, and executing the ſame; and for the Second Offence the Sum of Four Pounds, and alſo the Coſts and Expences of convicting ſuch Offender; and in caſe ſuch Sum, together with the Charges and Expences of convicting ſuch Offender the Second Time ſhould not be paid within the Space of One Week next after ſuch Conviction, then the Offender ſhould ſuffer Impriſonment for the Space of Two Months, unleſs he or they ſhould ſooner pay ſuch Penalty of Four Pounds, and the Coſts, Charges, and Expences, of ſuch Second Conviction, and executing the ſame; and for the Third Offence the Sum of Six Pounds, and alſo the Coſts and Charges of convicting ſuch Offender; and in caſe ſuch Sum of Six Pounds, together with the Charges and Expences of convicting ſuch Offender the Third Time ſhould not be paid within the Space of Three Days next after ſuch Third Conviction, that then the Offender ſhould ſuffer Impriſonment for the Space of Three Months, unleſs he or they ſhould ſooner pay ſuch Penalty of Six Pounds, and the Coſts, Charges, and Expences of ſuch Third Conviction, and executing the ſame, and the like Penalty and Puniſhment for every other Offence after the Third Offence, and Conviction thereof, as for the ſaid Third Offence; all which ſaid Coſts and Expences ſhould be aſſeſſed, ſettled, and aſcertained, by the Juſtice or Juſtices of the Peace before whom ſuch Offenders ſhould reſpectively be convicted; any Law, Statute, or Cuſtom, to the contrary thereof in any wiſe notwithſtanding; all which Penalties and Forfeitures ſhould go and be paid, the One Moiety thereof to His Majeſty, His Heirs and Succeſſors, and the other Moiety thereof, and alſo the Coſts, Charges, and Expences, to be aſſeſſed or aſcertained as aforeſaid, to the Proſecutor or Proſecutors of every ſuch Offender or Offenders: And whereas, by reaſon of many Evaſions ſtill made uſe of, and of Defects in the Powers of the Laws now in force, it is difficult to convict Offenders againſt them: For Remedy whereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid Act, as is above recited, ſhall be and is hereby repealed; and that, from and after the Twentieth Day of *September* One thouſand ſeven hundred and ninety-five, if any Perſon ſhall ſell Ale or Beer, or any other Exciſeable Liquors, by Retail, or ſhall permit or ſuffer any Ale or Beer, or any other Exciſeable Liquors, to be ſold by Retail, in his, her, or their Houſe, Outhouſe, or Yard, Garden, Orchard, or other Place, in that Part of *Great Britain* called *England*, the Dominion of *Wales*, and Town of *Berwick upon Tweed*, without being duly licenſed ſo to do, and ſhall thereof be duly convicted, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds, and alſo the Coſts and Expences attending the Conviction, to be levied and recovered as herein is directed; and on and after a Second Conviction for the like Offence, ſhall alſo be rendered incapable of being thereafter licenſed to

Recited Part of 5 *Geo.* I. I, Cap. 46, repealed.

From *Sept.* 20, 1795, Perſons ſelling, or permitting to be ſold in their Houſes, Exciſeable Liquors by Retail without Licence, liable to Penalty.

keep an Alehouſe, or to ſell Ale or Beer, or other Exciſeable Liquors, by Retail.

II. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any One or more Juſtice or Juſtices of the Peace for the Time being, of the County, Riding, Diviſion, or Place, where ſuch Offence ſhall be committed, to hear and determine the ſame in a ſummary Way; which ſaid Juſtice and Juſtices is and are hereby reſpectively authorized and required, upon Information exhibited or Complaint made to or before him or them in that Behalf, to ſummon the Party or Parties accuſed, and alſo any Perſon or Perſons as a Witneſs or Witneſſes, on either Side, and upon Appearance, or Contempt by not appearing, of the Party or Parties accuſed, to proceed to hear the Matter in a ſummary Way, and alſo to examine any Witneſs or Witneſſes on Oath, and to give Judgement therein; and upon Proof of the Offence, either by Confeſſion of the Party or Parties, or upon the Oath of One or more credible Witneſs or Witneſſes, to convict the Party or Parties ſo accuſed or complained againſt of the Offence laid to his, her, or their Charge; and in caſe the Party or Parties ſo convicted ſhall not, at the Time and Place of Conviction, if preſent, (or if abſent), within the Space of Three Days after Notice, either perſonally ſerved upon the Party or Parties, or left for him, her, or them, at the Place where the Offence ſhall have been committed, according to the Directions of this Act, pay the Penalty or Penalties for which he, ſhe, or they, ſhall ſtand convicted, together with the Coſts and Expences attending the ſame, which ſaid Coſts and Expences ſhall be aſcertained and fixed by the Juſtice or Juſtices convicting the Offender or Offenders; that then, and in every ſuch Caſe, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby required to iſſue his or their Warrant or Warrants of Diſtreſs, empowering the Perſon or Perſons to whom the ſame ſhall be directed, to make Diſtreſs of the Goods and Chattels of ſuch Offender or Offenders, whereſoever they ſhall or may be found, within the Juriſdiction of the Juſtice or Juſtices convicting ſuch Offender or Offenders, and alſo any Goods and Chattels found, or being in the Houſe, Outhouſe, Cellar, Vault, Storehouſe, or other Place, in which ſuch Offence ſhall have been committed, or which ſhall be found or be in any Houſe, Outhouſe, Cellar, Vault, or other Storehouſe, belonging to or occupied therewith, or which ſhall be found or be in any Houſe, Outhouſe, Cellar, Vault, Storehouſe, or other Place, which ſhall have been entered at the Exciſe Office for keeping or laying any Beer or Ale, Cyder or Perry therein, by or in the Name or Names of ſuch Offender or Offenders; and on the Goods and Chattels ſo diſtrained, the Officer or Officers executing ſuch Warrant or Warrants as aforeſaid ſhall proceed to levy the Sum or Sums expreſſed in ſuch Warrant or Warrants, in Manner directed in and by an Act, made in the Twenty-ſeventh Year of the Reign of His late Majeſty King *George* the Second, intituled, *An Act for the more eaſy and effectual proceeding upon Diſtreſſes to be made by Warrants of Juſtices of the Peace*, and all the Powers and Proviſions of the ſaid Act; and alſo of an Act, made in the Thirty-third Year of the Reign of His preſent Majeſty, intituled, *An Act to authorize Juſtices of the Peace to impoſe Fines upon Conſtables, Overſeers, and other Peace and Pariſh Officers, for Neglect of Duty; and on Maſters of Apprentices for ill Uſage of ſuch their Apprentices; and alſo to make Proviſion for the Execution of Warrants of*

Juſtices may determine Complaints.

If Penalties be not paid, they may be levied by Diſtreſs.

Officers to execute Warrants agreeably to 27 *Geo.* II, Cap. 20;

the Proviſions of which, and of 33 *Geo.* III, Cap. 55, as to Execution of Warrants, to extend to this Act.

of Diſtreſs granted by Magiſtrates; as far as the ſame relate to the Execution of Warrants of Diſtreſs, ſhall be extended, applied, and put in Execution, in relation to Warrants of Diſtreſs to be granted by virtue of this Act, as fully and amply as if the ſame Powers and Proviſions had been ſeverally repeated and re-enacted in this Act.

Diſtreſs may be ſold within Four Days.

III. Provided always, and be it further enacted, That at the Requeſt of the Owner or Owners of the Goods ſo diſtrained, the ſame may be ſold at any Time within the Four Days allowed by the ſaid Act of the Twenty-ſeventh Year of His late Majeſty.

Allowance to Officers.

IV. And be it further enacted, That there ſhall be paid and allowed to the Officer or Officers executing ſuch Warrant or Warrants of Diſtreſs, for the ſafe keeping of the Goods and Chattels ſo diſtrained, for each Day ſuch Goods and Chattels ſhall be in his or their Cuſtody, ſuch Sum not exceeding Five Shillings *per Diem*, and for any Perſon or Perſons acting therein in the Aid and Aſſiſtance of ſuch Officer or Officers, ſuch Sum not exceeding Two Shillings *per Diem* for each ſuch Perſon, as the convicting Juſtice or Juſtices ſhall allow and direct to be paid, due Proof being firſt made on Oath, to the Satisfaction of ſuch Juſtice or Juſtices, that ſufficient Cauſe exiſted for calling in the Aid and Aſſiſtance of ſuch Perſon or Perſons.

Application of Penalty.

V. And be it further enacted, That One Moiety of the Penalty ſo levied ſhall be paid to the Informer, and the other Moiety thereof to the Uſe of the Poor of the Pariſh, Townſhip, or Place, in which the Offence ſhall have been committed, in ſuch Manner as the Juſtice or Juſtices as aforeſaid ſhall direct and appoint; and if the Perſon or Perſons authorized to execute ſuch Warrant or Warrants, or any or either of them, ſhall make a Return thereto that no ſufficient Diſtreſs can be found whereon to levy the Penalty and Coſts and Charges as aforeſaid, then it ſhall and may be lawful for any Juſtice or Juſtices of any County, Riding, Diviſion, or Place, within whoſe Juriſdiction the Party or Parties, againſt whoſe Goods and Chattels ſuch Warrant of Diſtreſs ſhall have been iſſued, ſhall at any Time be found, upon producing to ſuch Juſtice or Juſtices ſuch Warrant, and Return thereof, (and if ſuch Juſtice or Juſtices ſhall be of any other County, Riding, Diviſion, or Place, then, upon Oath made of the Hand-writing of the Juſtice or Juſtices granting ſuch Warrant of Diſtreſs, and of the Truth of ſuch Return), to commit ſuch Offender or Offenders to the common Gaol, or other Priſon within the Limits of his or their Juriſdiction, for any Term not exceeding Six Calendar Months, nor leſs than Three Calendar Months, unleſs the ſaid Penalty or Penalties, with the Coſts, Charges, and Expences, of all Proceedings attending the Conviction and Warrant of Diſtreſs, ſhall be ſooner paid and ſatisfied.

If ſufficient Diſtreſs cannot be found, the Juſtice may commit the Offender.

VI. And whereas many Perſons do preſume to carry on and exerciſe the Trade of Alehouſe-keeper and Victualler, and Retailer of Beer and Ale, without Licence, and to make Entry of Houſes, Outhouſes, Cellars, Vaults, or Storehouſes, for laying or keeping ſuch Beer or Ale, by aſſumed or feigned Names, and ſuch Beer and Ale is frequently retailed in Houſes, Outhouſes, or other Places detached from their Place of Reſidence, whereby the Purpoſes of the Law have been, and ſtill con-

tinue to be, evaded; be it further enacted, That in case any Summons shall be issued by any Justice or Justices of the Peace for any Person or Persons to appear and answer to any Information or Complaint for selling by Retail any Beer, Ale, or other Exciseable Liquors, without Licence, the directing such Summons to such Person by the Name in which such Person shall have entered any House, Outhouse, Cellar, Vault, or Storehouse, for laying or keeping of Beer or Ale, or in the Names by which such Person or Persons is or are, or has or have been, usually known, whether the same be the real and proper, or the assumed or feigned, Names of such Person or Persons; and the leaving such Summons at the House, Outhouses, Cellar, Vault, or other Storehouse or Place in which such Offence is stated in any Information to have been committed, and affixing a Copy thereof on the Door, or other conspicuous Part on the Outside thereof, (such Service being proved on Oath of the Person or Persons who shall have so served such Summons, and so affixed such Copy), shall be deemed, and is hereby declared to be, as legal and effectual a Notice or Summons, to all Intents and Purposes, as if the same was personally given or delivered to or unto the Hands of the Party or Parties to whom the same shall be directed; and as if the same was directed to the Party or Parties by his, her, or their proper and real Name or Names.

What shall be deemed legal Notice to Persons summoned to answer Informations for selling Liquors by Retail without Licence.

VII. And be it further enacted, That every Alehouse-keeper, Victualler, or Retailer of Beer or Ale, who shall take or receive into or have in his, her, or their Custody, Possession, or Power, any Beer or Ale to sell or dispose thereof by Retail, shall, at least Three Days before he, she, or they, shall begin so to sell or dispose of any such Ale or Beer, make a true and particular Entry in Writing at the Office of Excise, next to the Place where such Ale or Beer shall be intended to be sold and disposed of, of all and every House, Outhouse, Cellar, Vault, Room, Storehouse, or other Place used, or to be used, for laying or keeping any such Beer or Ale, or for selling the same; and which said Entry shall set forth the true Name or Names of the Person or Persons so making such Entry, and shall also express whether the Person making the same be an Alehouse-keeper, Victualler, or Retailer; and such Person or Persons shall be deemed to be the Occupier or Occupiers, Proprietor or Proprietors, of all and every House, Outhouse, Cellar, Vault, Room, Storehouse, or other Place, so entered, for laying or keeping such Ale or Beer, or for selling the same, so long as such Entry shall remain in force, or such Ale or Beer shall be or remain in the Custody, Possession, or Power, of the Person or Persons making such Entry; and if any Person or Persons shall, contrary to the Directions of this Act, make use of any House, Outhouse, Cellar, Vault, Room, Storehouse, or other Place, for the laying, keeping, or selling of Beer or Ale, to be sold or disposed of by Retail, without having made such Entry as aforesaid, he, she, or they, shall respectively forfeit, for every Default or Neglect, the Sum of Fifty Pounds, to be sued for and recovered, levied, mitigated, and distributed, in such Manner as is directed by any Law now in force, with regard to Penalties and Forfeitures on Offences against the Laws relating to the Excise; and all Storehouses, Cellars, Rooms, or other Places used by any such Innkeeper, Victualler, or other Retailer, for the Purpose of laying or keeping any Beer or Ale, or Worts in Cask, without being so entered, shall be deemed and taken to be private and concealed

Retailers to make previous Entry of all Places used for laying Beer, &c.

Penalty of 50*l.* for not making Entry.

Places not entered, to be deemed concealed Places.

cealed Storehouſes, Cellars, or Places, within the Meaning of all, each, and every Act and Acts of Parliament now in force in relation to private and concealed Storehouſes, Cellars, or Places, for the keeping or laying Exciſeable Liquors.

Beer, &c. and Goods and Chattels, found where any Offence is committed, &c. to be liable to Diſtreſs.

VIII. And be it further enacted, That all Beer, Ale, Cyder, Perry, and other Exciſeable Liquors, together with all other Goods and Chattels found in every and any Houſe, Outhouſe, Cellar, Vault, Storehouſe, or other Place where any ſuch Offence as aforeſaid ſhall have been committed, or in any Houſe, Outhouſe, Cellar, Vault, Storehouſe, or other Place belonging thereto, or occupied therewith, or which ſhall have been entered as aforeſaid at the Exciſe Office, for laying or keeping therein any Beer or Ale, Cyder or Perry, by or in the Name or Names of the Perſon or Perſons convicted, by whom or by what Title or Conveyance ſoever the ſame may be claimed, ſhall be liable to ſuch Warrant or Warrants of Diſtreſs to ſatisfy all Penalties, Coſts, and Charges, incurred by any Perſon or Perſons for any Offence or Offences committed within or upon the ſame Premiſes, or any Part thereof, as aforeſaid; and it ſhall be lawful to levy the Penalties, and Coſts, and Charges, and uſe ſuch Proceedings in reſpect of the ſame, as it is lawful to do in caſe the Offender or Offenders had been truly and really the Owner or Owners, or Proprietor or Proprietors, of the ſame.

Perſons making Entry to be deem.d Retailers.

IX. And be it further enacted by the Authority aforeſaid, That every Perſon who ſhall make any Entry at any Office of Exciſe, of any Houſe, Outhouſe, Cellar, Vault, Storehouſe, or other Place, for laying or keeping of any Beer or Ale, or for ſelling the ſame therein, as an Alehouſe-keeper, Victualler, or Retailer, ſhall be deemed a Seller by Retail of ſuch Liquors to all Intents and Purpoſes; and that it ſhall and may be lawful for any Juſtice of the Peace from Time to Time to ſummon before him, or before any other Juſtice or Juſtices, any Entry Keeper, Gauger, or other Exciſe Officer, having the Cuſtody of Entries made by Innkeepers, Victuallers, and Retailers of Beer or Ale, within his Diviſion, who ſhall, when required, produce before ſuch Juſtice or Juſtices, all and every Entry or Entries made at the Office of Exciſe by any Perſon or Perſons within the Diviſion of ſuch Officer, and alſo the Stock Books or other Accounts of Survey of ſuch Perſons reſpectively; and ſuch Juſtice or Juſtices ſhall and may examine on Oath ſuch Officer or Officers reſpecting any ſuch Entry or Entries of any Houſes, Outhouſes, Cellars, Vaults, Storehouſes, or other Places, for keeping Beer or Ale, or reſpecting any Stock of any Perſon or Perſons making ſuch Entries; and if it ſhall appear that any Perſon hath made Entry or Entries at the Office of Exciſe of any Houſe, Outhouſe, Cellar, Vault, Storehouſe, or other Place, for laying or keeping any Beer or Ale therein, or for ſelling the ſame as an Alehouſe-keeper, Victualler, or Retailer, or if it ſhall appear that any ſuch Perſon is ſurveyed as an Alehouſe-keeper, Victualler, or Retailer, and has not received or is not entitled to receive the Abatement of Duty allowed to Common Brewers, then and in ſuch Caſe it ſhall and may be lawful for ſuch Juſtice or Juſtices to ſummon before him or them ſuch Perſon or Perſons, to produce to ſuch Juſtice or Juſtices his, her, or their, Licence or Licences to ſell Beer and Ale, and if ſuch Perſon or Perſons ſhall not, at the Return of ſuch Summons, appear before ſuch Juſtice or Juſtices, or appearing ſhall not produce

Juſtices may ſummon Exciſe Officers to produce Entries and Stock Books, and may examine them on Oath;

and may ſummon Retailers to produce Licences; and for not producing them, may adjudge the Defaulters guilty.

to

to such Justice or Justices a Licence or Licences duly obtained and in force, it shall be lawful for such Justice or Justices, (Proof being made of due Service of such Summons according to this Act, in case the Party or Parties shall not appear), to adjudge the Party or Parties guilty of selling Beer or Ale by Retail without Licence, and the Party or Parties so adjudged shall be liable to the Penalties herein imposed on Persons retailing Beer or Ale without Licence.

Penalty of 10 *l.* on Witnesses not attending Summonses, to be levied by Distress, and if sufficient cannot be found, the Party may be committed.

X. And be it further enacted, That if any Person shall be summoned to appear as a Witness, to give Evidence before any Justice or Justices of the Peace touching the Matters aforesaid, either on the Part of the Prosecutor, or of the Person or Persons accused, and shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his or her Neglect or Refusal, (to be allowed by such Justice or Justices of the Peace), or appearing shall refuse to be examined on Oath, and give Evidence to such Justice or Justices of the Peace before whom the Prosecution shall be depending, then, that every such Person shall forfeit for every such Offence the Sum of Ten Pounds, to be levied by Warrant of Distress; and if no sufficient Distress can be found, then the said Justice or Justices before whom and in whose Contempt the Offence was committed, shall and may commit such Offender to the Common Gaol or other Prison within his or their Jurisdiction for any Term not exceeding the Space of Six Calendar Months, unless the Penalty shall be sooner paid; and such Penalty shall be applied to the Use of the Poor of the Parish, Township, or Place, in which such Offence shall have been committed, in such Manner as the Justice or Justices so convicting shall direct and appoint.

Application of Penalty.

Goods liable to Seizure, may be distrained wherever found.

XI. And be it further enacted, That if any Person or Persons whatsoever, after Service of any Summons to appear and answer to any Charge of selling Ale or Beer, or other Exciseable Liquors, without Licence, shall convey away any Goods or Chattels herein-before made liable to any Warrant of Distress, from the House, Outhouse, Cellar, Vault, Storehouse, or other Place wherein such Offence shall have been committed, or from any House, Outhouse, Cellar, Vault, Storehouse, or other Place belonging thereto, or occupied therewith, or from any House, Outhouse, Cellar, Vault, or other Storehouse, or Place, which shall have been entered at the Office of Excise, by or in the Name or Names of the Person or Persons convicted for keeping or laying of Beer or Ale, or for selling the same; it shall and may be lawful for the Officer to whom such Warrant is directed, or other Person or Persons lawfully empowered or acting in his Aid or Assistance, within Thirty Days after such conveying away, to seize the same wherever they may be found, and dispose of them in such Manner as if they had been distrained on the Premises: Provided always, that if any of the Goods or Chattels so removed shall be carried into any County, Riding, City, Liberty, or Place, out of the Jurisdiction of the Magistrate or Magistrates originally issuing such Warrant of Distress, it shall be lawful for any Justice of the Peace of any County, Riding, City, Liberty, or Place, into which such Goods or Chattels shall be so removed or conveyed, and he is hereby required on Proof on Oath of the Hand Writing of such Justice or Justice's originally signing such Warrant, to indorse his Name on the Back thereof, which shall be sufficient Authority to any Person or Persons bringing

Justices may indorse Warrants for seizing Goods removed into their Jurisdictions.

bringing such Warrant, and to all other Persons to whom such Warrant was originally directed, to execute such Warrant of Distress, and to proceed in such Manner, as if such Goods had been found and seized within the Jurisdiction of the Justice or Justices who signed the original Warrant.

Appeal may be made to the Quarter Sessions within a certain Time, and on certain Conditions.

XII. And be it further enacted, That if any Person shall think himself or herself aggrieved by the Judgement of any Justice or Justices of the Peace by or before whom he or she shall have been convicted of the Offences aforesaid, any and every such Person may appeal (and the said Justice or Justices are required to make known to such Person at the Time of such Conviction his or her Right to appeal) from and against such Conviction to the next General Quarter Sessions of the Peace to be holden for such County, Riding, City, Division, Liberty, or Place, unless such Sessions shall be holden within Six Days next after such Conviction shall be made, and in such Case to the next subsequent Sessions to be holden as aforesaid, and not afterwards, such Person at the Time of such Conviction giving to such Justice or Justices Notice in Writing of his or her Intention to appeal, and also giving Security, to the Satisfaction of such Justice or Justices, for the Payment of the Penalty, Costs, and Expences, aforesaid, in case such Judgement shall be confirmed on such Appeal, and also further entering into a Recognizance at the Time of such Notice, with sufficient Sureties conditioned to try the Appeal, and to abide the Judgement, and pay such Costs as shall be awarded by the Justices assembled at such Sessions; and the Justices so assembled shall thereupon proceed to hear and determine the Matter of every such Appeal, and their Judgement thereon shall be final and conclusive to all Intents and Purposes whatsoever; and in case the Justices of the Peace so assembled at such Sessions shall find and adjudge any such Appeal to be frivolous or vexatious, it shall and may be lawful to and for them to give and adjudge to the Party or Parties grieved by such Appeal, his, her, or their, reasonable Costs and Charges occasioned thereby, not exceeding in the Whole the Sum of Five Pounds on any One Appeal.

Sessions finally to determine Appeals, and may adjudge Costs.

Convictions in the Form set forth by 26 *Geo.* II, Cap. 31, to be good.

XIII. And, in order to prevent frivolous and vexatious Appeals, be it further enacted by the Authority aforesaid, That a Conviction in the Form or to the Effect expressed and set forth in an Act, made in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for regulating the Manner of licensing Alehouses in that Part of* Great Britain *called* England, *and for the more easy convicting Persons selling Ale and other Liquors without Licence*, mutatis mutandis, as the Case shall happen to be, shall be good and effectual to all Intents and Purposes whatsoever, without stating the Case, or the Facts or Evidence, in any more particular Manner.

Justices may mitigate Penalties.

XIV. And be it further enacted, That if it shall be proved to the Satisfaction of the Justice or Justices before whom any Person shall be convicted of any Offence against this Act, that such Person hath not been before convicted of any Offence against this Act, it shall be lawful for such Justice or Justices to mitigate and lessen the Penalty hereby imposed, in case of such First Offence, but not otherwise, so as that the

the Penalty ſo mitigated and leſſened ſhall not be leſs than Ten Pounds.

Inhabitants may be Witneſſes.

XV. Provided always, and be it enacted, That any Inhabitant of any Pariſh, Townſhip, or Place, in which any Offence ſhall be committed contrary to this Act, ſhall be deemed a competent Witneſs, notwithſtanding his or her being an Inhabitant of ſuch Pariſh, Townſhip, or Place.

Penalties to be determined in Six Months.

XVI. Provided always, and it is enacted, That all Penalties within this Act ſhall be ſued for and determined within Six Months after the Offences ſhall be committed.

Act not to prohibit ſelling Ale or Beer at Fairs.

XVII. Provided alſo, and be it enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to prohibit any Perſon or Perſons from ſelling of any Ale or Beer in Booths or other Places, at the Time and Place of holding any lawful and accuſtomed Fair, in like Manner as ſuch Perſon or Perſons was or were authorized to do before the paſſing of this Act, by virtue of any Law or Statute in that Behalf.

FINIS.