Anno viceſimo nono

Georgii II. Regis.

An Act for granting to His Majeſty a Duty upon Licences for retailing Beer, Ale, and other Exciſeable Liquors; and for eſtabliſhing a Method for granting ſuch Licences in *Scotland*; and for allowing ſuch Licences to be granted at a Petty Seſſion in *England*, in a certain Caſe therein mentioned.

Moſt Gracious Sovereign,



WHEREAS by an Act made in the Ninth Year of the Reign of Queen Anne, intituled, An Act for licenſing and regulating Hackney Coaches and Chairs, and for charging certain new Duties on Stampt Vellum, Parchment, and Paper, and on Cards and Dice, and on the Exportation of Rock Salt for *Ireland*; and for ſecuring thereby, and by a weekly Payment out of the Poſt Office, and by ſeveral Duties on Hides and Skins, a yearly Fund of One hundred and eighty ſix thouſand ſix hundred and ſeventy Pounds, for Thirty two Years, to be applied to the Satisfaction of ſuch Orders as are therein

Preamble, reciting Clauſes in Act 9 *Annæ*,

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therein mentioned, to the Contributors of any Sums not exceeding Two Millions, to be raised for carrying on the War, and other Her Majesty's Occasions, it was amongst other Things enacted, That there should be raised, levied, collected, and paid unto, and for the Use of Her Majesty, Her Heirs, and Successors, for the several and respective Things in the said Act mentioned, which should be ingrossed, printed, or written, the several and respective Rates, Duties, Charges, and Sums of Money, in the said Act expressed; and that for every Piece of Vellum or Parchment, or Sheet or Piece of Paper, upon which (within or during the Term of Thirty two Years, to be reckoned from the Thirty first Day of August, in the Year One thousand seven hundred and eleven) should be ingrossed or written any Licence for selling of Ale, Beer, or other Exciseable Liquors, by Retail, the Sum or Duty of One Shilling should be raised, levied, collected, and paid, unto and for the Use of Her Majesty, Her Heirs, and Successors, in such Manner as in the said Act is expressed; which Duty was, amongst other Rates and Duties, by an Act of the Third Year of the Reign of His late Majesty King George the First, made perpetual, and made Part of the Fund, commonly called The General Fund: And whereas by a Clause of an Act made in the Sixth Year of the Reign of His said late Majesty King George the First, intituled, An Act for preventing Frauds and Abuses in the publick Revenues of Excise, Customs, Stamp Duties, Post Office, and House Money, it is, amongst other Things, enacted, That all Mayors, Town Clerks, and other Persons whom it may concern, who shall take any Recognizances from Persons for whom Licences are intended for selling Ale, and other Exciseable Liquors, shall be obliged to make, or cause to be made out, Ale Licences, duly Stampt, before such Recognizances be taken, under the Penalty of Ten Pounds for every such Offence: And whereas by an Act made in the Sixteenth Year of the Reign of His present Majesty, intituled, An Act for repealing certain Duties on Spirituous Liquors or Strong Waters, and on Licences for retailing the same; and for laying other Duties on Spirituous Liquors, and on Licences to retail the said Liquors; all Persons are forbid, under the Penalties by the said Act inflicted, to retail certain Spirituous Liquors therein enumerated, without first taking out a yearly Licence for that Purpose, in Manner in the said Act directed; for which Licence the Sum of Twenty Shillings yearly is thereby directed to be paid: And it is also thereby enacted, That no such Licence shall be granted for selling by Retail any Spirituous Liquors or Strong

* Act 3 *Geo.* I.

Act 6 *Geo.* I.

Act 16 *Geo.* II.

Strong Waters whatsoever, except to such Persons only who shall keep Taverns, Victualling-houses, Inns, Coffee-houses, or Ale-houses: And it is thereby provided and declared, That nothing in the said Act shall extend, or be construed to enable any Person or Persons to sell any Spirituous Liquors or Strong Waters by Retail, unless such Person or Persons be first licensed to sell Ale or Spirituous Liquors by Two or more of His Majesty's Justices of the Peace for the County, Riding, Division, City, or Liberty, wherein such Person or Persons shall sell the said Liquors, under the Hands and Seals of the said Justices: And whereas by an Act made in the Twenty fourth Year of His present Majesty's Reign, intituled, An Act for granting to His Majesty an additional Duty upon Spirituous Liquors, and upon Licences for retailing the same; and for repealing the Act of the Twentieth Year of His present Majesty's Reign, intituled, *An Act for granting a Duty to His Majesty to be paid by Distillers, upon Licences to be taken out by them for retailing Spirituous Liquors; and for the more effectual restraining the retailing of distilled Spirituous Liquors*; and for allowing a Drawback upon the Exportation of *British* made Spirits; and that the Parish of Saint *Mary le Bon*, in the County of *Middlesex*, shall be under the Inspection of the Head Office of Excise; an additional Duty of Twenty Shillings per Annum is directed to be paid for every Licence taken out for retailing Spirituous Liquors, to be paid down in like Manner, and at the same Time, and to be levied by the same Means, and under the like Penalties, as the Duty upon Licences to be granted by virtue of the said Act made in the Sixteenth Year of the Reign of His present Majesty is directed to be raised, levied, collected, and paid: And whereas by an Act made in this Session of Parliament, the Interest of Fifteen hundred thousand Pounds, Part of the Sum of Two Millions advanced on the Credit of the said Act, after the Rate of Three Pounds Ten Shillings per Annum, and the Interest of Five hundred thousand Pounds, Residue of the said Sum of Two Millions, after the Rate of Three Pounds per Annum, are charged upon the Fund commonly called The Sinking Fund; We, Your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain, in Parliament assembled, towards making good the said Interest of the said Sum of Two Millions charged on the said Fund, have resolved to give and grant unto Your Majesty a Duty of Twenty Shillings for every Piece of Vellum or Parchment, or Sheet or Piece of Paper, on which shall be ingrossed, written, or printed, any Licence from Justices of the Peace for

Act 24 Geo. II.

selling Ale, Beer, or other Exciseable Liquors by Retail in Great Britain, over and above all other Duties chargeable thereupon; and do therefore most humbly beseech Your Majesty, that it may be enacted; and 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 from and after the Feast of Easter One thousand seven hundred and fifty six, there shall be, throughout the Kingdom of Great Britain, raised, levied, collected, and paid to his Majesty, His heirs, and Successors, for the Purpose aforesaid, a Duty of Twenty Shillings for every Piece of Vellum or Parchment, or Sheet or Piece of Paper, on which shall be ingrossed, written, or printed, any such Licence for selling Ale or Beer, or other Exciseable Liquors by Retail, over and above all other Duties chargeable thereupon.

Additional Duty of 20s. laid on Licences for retailing Beer, and other Exciseable Liquors.

And be it further enacted by the Authority aforesaid, That for the better and more effectual levying, collecting, and paying the said Duty of Twenty Shillings, the same shall be under the Government, Care, and Management of the Commissioners for the time being appointed to manage the Duties charged on Stampt Vellum, Parchment, and Paper; who, or the major Part of them, are hereby required and impowered, to employ the necessary Officers under them for that Purpose, and to cause such new Stamp to be provided, to denote the said Duty of Twenty Shillings, as shall be requisite in that Behalf; and to do all other Things necessary to be done for putting this Act in Execution with relation to the said Duty hereby granted, in the like, and in as full and ample Manner, as they, or the major Part of them, are authorized to put in Execution any former Law concerning Stampt Vellum, Parchment, or Paper.

Duties to be under the Management of the Commissioners for Stamps;

who are to appoint Officers,

and provide a new Stamp, &c. for that Purpose.

And be it further enacted by the Authority aforesaid, That all Vellum, Parchment, and Paper, upon which any such Licence shall from and after the Feast of Easter, One thousand seven hundred and fifty six, be ingrossed, written, or printed, be brought to the Head Office for stamping or marking Vellum, Parchment, and Paper; and the said Commissioners by themselves, or by their Officers employed under them, shall forthwith upon Demand to them made, by any Person or Persons, from time to time, Stamp or Mark any Quantities or Parcels of Vellum, Parchment, or Paper, to be used for the Purpose of ingrossing, writing, or printing such Licence, he or they paying to the Receiver-general

Paper, &c. for Licences to be brought to the Stamp Office,

and Duties to be paid upon stamping thereof.

neral of the Stamp-duties for the time being, or to his Deputy or Clerk, the Duty payable for the same by this Act, without any Fee or Reward; which Stamp or Mark to be put thereupon in pursuance of this Act, shall be a sufficient Discharge for the Duty hereby payable for the said Vellum, Parchment, or Paper, which shall be so stampt or marked.

Commissioners and other Officers to obey Orders of the Treasury.

And be it further enacted by the Authority aforesaid, That the said Commissioners, and all other Officers who shall be employed in or about the collecting or managing of the said Duty hereby granted, shall in the Execution of their Offices and Trust, observe and perform such Rules, Methods, and Orders, as they respectively shall, from time to time, receive from the Commissioners of the Treasury, or the Treasurer of the Exchequer for the time being; and that no Fee or Reward shall be demanded or taken by any such Commissioners and Officers relating to the said Duty, from any of His Majesty's Subjects, for any Matter or Thing to be done in pursuance of this Act; and in case any Officer intrusted in the Execution of this Act, in relation to the said Duty, shall refuse or neglect to perform any Matter or Thing by this Act required to be done or performed by him, whereby any of His Majesty's Subjects shall or may sustain any Damage whatsoever, such Officer so offending, shall be liable by any Action to be founded on this Statute, to answer to the Party grieved all such Damage, with Treble Costs of Suit.

No Fee payable on Account of the Duties.

Officer neglecting his Duty, to the Damage of another,

answerable for the same, with Treble Costs.

Duties to be paid to the Receiver-general of the Stamps,

and by him into the Exchequer.

And it is hereby further enacted, That the Duty hereby granted, shall be paid, from time to time, into the Hands of the Receiver-general for the time being of the Duties of Stampt Vellum, Parchment, and Paper, who shall keep a separate and distinct Account thereof, and pay the same (the necessary Charges of raising, paying, and accounting for the same excepted) into the Receipt of the Exchequer, for the Purpose in the said Act expressed, at such Time, and in such Manner, as any former Duties on Stampt Vellum, Parchment, and Paper, are directed to be paid.

Commissioners to take Care that sufficient Quantities of stampt Paper, &c. be distributed through the Kingdom.

And be it further enacted by the Authority aforesaid, That the said Commissioners for the time being, shall take care that the several Parts of the Kingdom of Great Britain, shall, from time to time, be sufficiently furnished with Vellum, Parchment, and Paper, stampt and marked as by this Act is directed, to the end that the Subjects of His Majesty, His Heirs and Successors, may have it in their Election to buy the same of the Officers and Persons to be employed by the said Commissioners, at

the usual and most common Rates above the said Duty, or to bring their own Vellum, Parchment, or Paper to be stampt or marked as aforesaid.

Price of stampt Paper, &c. to be yearly set;

And be it further enacted by the Authority aforesaid, That the Price of such Stampt Vellum, Parchment, and Paper, shall be yearly set, and such Price stampt,

and usual Allowance made for prompt Payment of the Duty;

and such Allowance made upon present Payment of the said Duty, for any Quantity of the said Vellum, Parchment, or Paper, so by the said Commissioners to be sold, in such Manner as by any former Law relating to Stampt Vellum, Parchment, or Paper, is directed.

Stamp may be altered, or renewed;

And be it further enacted by the Authority aforesaid, That the said Stamp hereby directed to be provided and used, shall and may be altered or renewed in such Manner as any other Stamp on Vellum, Parchment, or Paper, are by any former Law relating to Stampt Vellum, Parchment, or Paper directed to be altered or renewed; and that all Persons who shall have in their Custody or Possession, any Vellum, Parchment, or Paper,

usual Allowance to be made thereupon for old stampt Paper, &c.

marked with the Stamp or Mark which shall be so altered or renewed, or on which a new Stamp is hereby directed to be impressed, shall have the like Remedy and Allowance, as by any former Law relating to Stampt Vellum, Parchment, or Paper, is in like Cases directed.

Breach of Trust, or Misapplication of Monies, by Commissioners, or Officers, punishable.

And be it further enacted by the Authority aforesaid, That the said Commissioners, and their Officers, shall be subject to such Penalties and Forfeitures for any Breach of the Trust hereby in them reposed, or for diverting or misapplying of the Money received in pursuance of this Act, as by any former Law relating to Stampt Vellum, Parchment, or Paper, are inflicted.

And whereas Ale, Beer, and other Exciseable Liquors, which cannot be sold by Retail in that Part of Great Britain called England, without Licence from Justices of the Peace, may be sold by Retail without any Licence in that Part of Great Britain called Scotland: And whereas it is expedient that Retailers of such Liquors in both Parts of this Kingdom, should be subject to the like Powers and Authorities; be it therefore enacted by

Persons keeping Ale houses in *Scotland*, to be licensed for that Purpose.

the Authority aforesaid, That from and after the Twenty fifth Day of October, One thousand seven hundred and fifty six, in every Royal Borough, and from and after the First Day of November, One thousand seven hundred and fifty six, in every Shire and Stewartry in that Part of Great Britain called Scotland, no Person shall keep any Ale-house, Tippling-house, or Victualling-house, or sell Ale, Beer, or other Exciseable Liquors by Retail, but such Persons only who shall be annually

thereto admitted, allowed, and licensed according to the Directions contained in this Act.

Justices in *Scotland* to meet annually in their respective Shires:

And be it further enacted by the Authority aforesaid, That the Justices of the Peace in each Shire and Stewartry in that Part of Great Britain called Scotland, shall have full Power and Authority, and they are hereby impowered and required, annually to assemble and meet together, in their respective Shires and Stewartries, on the First Day of November, or on the next lawful Day thereafter, at the Hour and Place when and where the General Quarter Sessions for such Shire or Stewartry have usually been held, the First Assembly or Meeting to be held on the First Day of November, One thousand seven hundred and fifty six; and at such annual Meeting to admit, allow, and license, for the Year then next ensuing, such and so many Persons as the major Part of the Justices then assembled, shall think meet and convenient, to keep Ale-houses, Tippling-houses, Victualling-houses, or to sell Ale, Beer, or other Exciseable Liquors by Retail, within such respective Shire or Stewartry, or in the Event hereafter mentioned, within any Royal Borough or Boroughs, situated in such Shire or Stewartry; and the said Justices shall deliver or cause to be delivered, to each Person so by them admitted, allowed, and licensed, a Licence ingrossed, written or printed, upon a Piece of Vellum, Parchment, or Paper stampt, as by this Act is directed, with a Stamp denoting the Payment of the Duty of Twenty Shillings, and signed by the Praeces of the said Meeting, and by the Clerk of the Peace of the said Shire or Stewartry; for each of which Licences, there shall be paid and payable the Sum of One Shilling to the Clerk of the Peace, for his Trouble and Fee, over and above the said Sum of Twenty Shillings, for the Stamp-duty imposed by this Act, and no further or greater Sum shall be demanded or paid for each Licence, upon any Account or Pretence whatsoever.

their First Meeting,

to license Ale-houses,

and issue Licences stampt and signed for that Purpose.

Fee of 1 *s.* payable on each Licence, to the Clerk of the Peace.

And, for the more ready and convenient granting of Licences to Persons residing in the Royal Boroughs, in that Part of Great Britain called Scotland, and the Royalties thereof; be it further enacted by the Authority aforesaid, That the Magistrates of each Royal Borough shall yearly and every Year, on the Twenty fifth Day of October, or the next lawful Day thereafter, the First Meeting to be on the Twenty fifth Day of October, One thousand seven hundred and fifty six, assemble and meet together, at the Time and Place when and where they usually have met, for transacting the Business of such Royal Borough; and the said Magistrates,

Magistrates of Royal Boroughs to meet yearly for the like Purposes.

or any Two of them at least, shall at such annual Meeting, admit, allow, and license, for the Year then next ensuing, such and so many Persons as the said Magistrates, or Two of them at the least, shall think meet and convenient, to keep Ale-houses, Tippling-houses, Victualling-houses, or to sell Ale, Beer, or other Excisable Liquors by Retail, within every such Royal Borough, and the Royalty thereof; and the said Magistrates, or Two of them at the least, shall deliver or cause to be delivered to each Person so by them admitted, allowed, and licensed, a Licence ingrossed, written, or printed, upon a Piece of Vellum, Parchment, or Paper, stampt as by this Act is directed, with a Stamp denoting the Payment of the Duty of Twenty Shillings, and signed by Two of the said Magistrates, and by the Clerk of such Royal Borough; for each of which Licences the like Fee of One Shilling, over and above the said Sum of Twenty Shillings, and no more, shall be paid as is hereby directed to be paid for Licences granted in Shires and Stewartries.

Where there shall not be a sufficient Number of Magistrates to act in any Royal Borough, Justices may grant Licences;

Provided always, and be it further enacted, That if in any Royal Borough, there shall not be a sufficient Number of Magistrates capable to grant Licences pursuant to the Qualifications and Directions of this Act, at any of the Times when Licences for Ale-houses, Tippling-houses, or Victualling-houses in the Royal Boroughs, are hereby appointed to be granted, then and in such Case it shall and may be lawful to and for the Justices of the Peace of the said Shire or Stewartry, in which such Royal Borough or Boroughs shall be situated, to grant Licences for such Royal Borough or Boroughs, at the same Time, and in the same Manner, as they are hereby impowered to do for the Shire or Stewartry; and all Licences so granted for Royal Boroughs by Justices of the Peace of the Shire or Stewartry, shall continue in Force until the next annual Day for granting Licences according to this Act, and no longer.

which are to be in Force for 1 Year only.

Persons in *Scotland* convicted of keeping unlicensed Ale-houses, &c.

And whereas Persons may presume to keep Ale-houses, Tippling-houses, or Victualling-houses, or to sell Ale, Beer, or other Excisable Liquors, without such Licence as is hereby required, be it enacted by the Authority aforesaid, That every Person who after the Twenty fifth Day of October, One thousand seven hundred and fifty six, in Royal Boroughs, and after the First Day of November, One thousand seven hundred and fifty six, in Shires and Stewartries, shall keep an Ale-house, Tippling-house, or Victualling-house, or shall sell Ale, Beer, or other Excisable Liquors by Retail, without being licensed

censed thereunto according to the Directions of this Act, and shall be thereof convicted within One Month after such Offence committed, on his or her Confession, or the Oath of One credible Witness, by any Two Justices of the Peace of the Shire or Stewartry, or by any Two Magistrates in any Royal Borough where such Offender shall reside or be licensed, every such Offender shall forfeit and pay for the First Offence the Sum of Five Shillings, for the Second Offence the Sum of Ten Shillings, and for the Third Offence the Sum of Twenty Shillings, and shall, after the said Third Offence, be incapable of keeping an Ale-house, Tippling-house, or Victualling-house, or of selling Ale, Beer, or other Excisable Liquors by Retail, by virtue of any Licence granted before such Conviction, or of having any Licence for such Purpose thereafter; and if any such Offender shall continue to commit any of the aforesaid Offences, then such Offender shall, for every Offence subsequent to his Third Conviction, forfeit and pay the Sum of Forty Shillings; all which respective Penalties and Forfeitures shall and may be levied by Distress and Sale of the Goods and Chattles of every such Offender (rendering to him or her the Overplus, after the Charges of the said Distress and Sale are deducted) by Warrant signed by the Justices or Magistrates respectively who do convict such Offender; which said Penalties shall be paid and applied, One Half thereof to the Informer, and the other Half to the Poor of the Parish where such Offence shall be committed; and such Conviction signed by the said Two Justices or Magistrates respectively, shall be good and sufficient in Law to all Intents and Purposes; and the said Justices or Magistrates respectively, shall, immediately after the said Conviction is signed as aforesaid, intimate, or cause to be intimated, the said Conviction to the Person convicted, and shall return or certify the same, and the Proceedings therein, to the Clerk of the Peace of the Shire or Stewartry in which such Justices or Magistrates do act, or in which the Royal Borough shall be situated, to be by the said Clerk preserved amongst the Records of the said Shire or Stewartry.

to forfeit for the First Offence, 5 s.

for the Second, 10 s.

for the Third, 20 s.

and to be disqualified;

and for every subsequent Offence, 40 s.

to be levied by Distress and Sale;

One Moiety to go to the Informer, the other to the Poor of the Parish.

Conviction to be intimated to the Offender, and certified to the Clerk of the Peace,

and recorded.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person aggrieved by such Conviction shall be minded to appeal from such Conviction, it shall and may be lawful to and for such Person, within Two Days after such Conviction shall have been intimated to him or her, to appeal to the next ensuing Quarter Sessions, or Adjournment thereof, which shall be held for the Shire or Stewartry where such Offence

Persons aggrieved thereby may appeal to the Quarter Sessions.

fence shall have been committed, or wherein such Royal Borough is situated; and the Justices of the Peace assembled at such Quarter Sessions or Adjournment, are hereby authorized and impowered to hear and determine the said Appeals, and to give and cause to be executed such Judgement or Sentence, as in their Opinion the Justices or Magistrates from whom the Case is appealed, ought to have given.

Judgement to be given thereupon.

Previous Notice, and Reasons of Appeal, to be left with the Clerk of the Peace, &c.

Provided always, That the Person appealing shall with all convenient Speed, and before the Meeting of the said Quarter Sessions or Adjournment thereof, leave his or her Reasons of Appeal in Writing with the Clerk of the Peace of the said Shire or Stewartry, and also attend, and with Effect, prosecute such his or her Appeal at the said Quarter Sessions or Adjournment thereof; and the Clerk of the Peace shall, at the Quarter Sessions or Adjournment thereof, produce all such Convictions and Reasons of Appeal as shall have been returned or certified to him, or left with him since the last Quarter Sessions or Adjournment thereof, and shall, upon reasonable Notice, deliver to any Person requiring the same, a fair Copy of such Conviction or Reasons of Appeal; for each Copy whereof, the Sum or Fee of Six Pence, and no more, shall be demanded and paid.

Conviction to be exhibited at the Sessions,

and Copy upon Application to be delivered, on paying 6 *d.*

And, in order to prevent frivolous and veratious Appeals, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace at the said Quarter Sessions or Adjournment thereof, if they shall judge any Appeal from any Conviction to be frivolous and calculated for Delay, to award, order, and direct, the Party appealing, to pay any Sum not exceeding Twenty Shillings, over and above the Penalties herein before-mentioned, to be levied and applied in such Manner, and to such Use or Uses, as the said Justices shall direct and appoint; and the Judgement and Determination of the said Justices at the Quarter Sessions or Adjournment thereof, shall, in all the Cases aforesaid, be final and conclusive to all Intents and Purposes.

20 *s.* Penalty on Appeals deemed frivolous.

Judgement of Justices to be final.

And whereas it is expedient that Persons impowered to grant Licences by virtue of this Act, should not be swayed by Interest in the Execution of the Powers vested in them; be it therefore enacted by the Authority aforesaid, That no Justice of the Peace or Magistrate in any Shire, Stewartry, or Royal Borough, in that Part of Great Britain called Scotland, who is a Brewer, Maltster, Distiller, or Retailer of Ale, Beer, or other Excisеable Liquors, or is concerned in Partnership, or otherwise, with any Brewer, Maltster, Distiller, or Retailer of Ale, Beer,

Brewers, &c. in *Scotland*, inhibited to grant Licences.

Beer, or other Excisable Liquors, at any of the Time or Times when any of the Powers in this Act are to be executed, shall act in any of the Meetings for granting of any Licence or Licences, or shall convict or join in any Conviction, or in the Determination of any Appeal directed by this Act; and every Justice of the Peace or Magistrate who shall offend in any of the Premisses, shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to be recovered by any Person who will sue for the same within Six Months after such Offence committed, by Action, Bill, Plaint, or Information, in His Majesty's Court of Exchequer in that Part of Great Britain called Scotland, in which no Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed; which said Penalty of Fifty Pounds shall be paid, One Moiety thereof to the Person who sues for the same, and the other Moiety to the Collector of the Cess for the Shire or Stewartry within which such Justice or Magistrate has offended, to be applied for the Reparation of the Highways or Bridges in such Shire or Stewartry, in such Manner as the Persons who by Law have the ordering and directing such Reparations, shall think proper.

or act in the Execution of this Act,

on Penalty of 50*l.*

One Moiety to go to the Prosecutor,

the other to be applied in Repair of the Roads.

Provided nevertheless, and be it further enacted by Authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to charge any Licence for keeping any Ale-house, Tippling-house, Victualing-house, or Place for the Sale of Ale, Beer, and other Excisable Liquors by Retail, situated upon or near the King's Military Road or Roads, made or to be made in that Part of Great Britain called Scotland, at the publick Charge, and not being within any Royal Borough, nor within the Burghs of Dumblain, Muthill, Crief, Dunheld, or within One Mile of any of the said Royal Boroughs or Burghs, with any Duty hereby directed to be paid, levied, or received; but all such Licences shall and may be granted and delivered by the Justices of the Peace of the respective Shires and Stewartries, where such Road and Roads shall and may lie, upon the Payment of One Shilling for each Licence to the Clerk of the Peace of such Shire or Stewartry, for his Trouble only; any thing herein contained to the contrary in any wise notwithstanding.

Licences for Houses on the Military Roads, &c. in *Scotland*,

to be issued on Payment of 1*s.* only to the Clerk of the Peace.

And be it further enacted by the Authority aforesaid, That if any Person shall from and after the Feast of Easter, One thousand seven hundred and fifty six, write, ingross, or print, or cause to be written, ingrossed, or printed, any such Licence to be granted by Justices of the

10l. Penalty on making out Licences before the same be duly stampt;

Peace as aforesaid, for selling of Ale, Beer, or other Excisеable Liquors by Retail, before the Vellum, Parchment, or Paper whereupon such Licence shall be ingrossed, written, or printed, shall appear to have been duly stampt, every Person so offending shall, for every such Offence, forfeit the Sum of Ten Pounds, with Full Costs of Suit; to be recovered in such Manner as Penalties by any former Laws relating to Stampt Vellum, Parchment, or Paper, are directed to be recovered: And that if any such Licence shall be so ingrossed, written, or printed, contrary to the true Intent and Meaning of this Act, then and in every such Case, there shall be answered and paid to His Majesty, His Heirs and Successors, over and above the Duty hereby due and payable for every such Licence, the Sum of Five Pounds, to be applied and paid in such Manner, and to such Uses, as the said Duty hereby granted is applicable and payable; and that no such Licence shall be available in Law, or be given in Evidence, or admitted in any Court, unless as well the said Duty hereby charged, as the said Sum of Five Pounds, shall be first paid to the Use of His Majesty, His Heirs, and Successors, for the Purposes of this Act; and a Receipt produced for the same under the Hand of the Receiver General, for the time being, of the Stamp Duties, or of his Deputy or Clerk, and until the Vellum, Parchment, or Paper, on which such Licence is so ingrossed, written, or printed, shall be marked or stampt according to the Tenor and true Meaning of this Act; and that the said Receiver General, or his Deputy or Clerk, shall upon Payment or Tender of the said Duty payable by virtue of this Act, and of the said Sum of Five Pounds, give a Receipt for such Money; and that thereupon the other proper Officers shall mark and stamp such Licence, with the proper Mark and Stamp requisite in that Behalf.

and 5l. on making them contrary to the Intention of this Act;

and the same to be vacated unless the Duty and Fine be paid, and Receipt produced,

and Licence stampt, &c.

Forging or counterfeiting the stamp, &c. deemed Felony, without Benefit of Clergy.

And be it further enacted by the Authority aforesaid, That if any Person shall counterfeit or forge any Stamp or Mark to resemble the Stamp or Mark directed to be provided by this Act, or shall counterfeit or resemble the Impression of the same upon any Vellum, Parchment, or Paper, with an Intent to defraud His Majesty, His Heirs, or Successors, of the said Duty, or shall utter, vend, or sell any Vellum, Parchment, or Paper, with such counterfeit Mark or Stamp thereupon, knowing such Mark or Stamp to be counterfeit, or shall cause or procure any Vellum, Parchment, or Paper to be stampt or marked with such counterfeit Mark or Stamp, or shall privately or fraudulently use any Stamp to be provided or

used in pursuance of this Act, with an Intent thereby to defraud His Majesty, His Heirs, or Successors, of the said Duty, or shall cause or procure to be forged or counterfeited any Stamp or Mark, to resemble any Stamp or Mark hereby directed to be used, every Person so offending, being thereof lawfully convicted, shall be adjudged a Felon, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

No Licences to be issued but to Persons producing Licences according to Act 9 *Annæ*.

And be it further enacted by the Authority aforesaid, That neither His Majesty's Commissioners of Excise in England or Scotland respectively, nor any of the Collectors or Supervisors of Excise, or any other Officers, by the said Commissioners respectively appointed to deliver Licences to the Retailers of any Spirituous Liquors or Strong Waters, shall grant or deliver any such Licence to any Person who shall not produce a Licence granted to him or her in due Form of Law by Justices of the Peace, to sell Ale, Beer, or other Exciseable Liquors, and stamped as by the said Act made in the Ninth Year of the Reign of Queen Anne and by this Act is directed.

On Death or Removal of Persons occupying licensed Houses, their Assigns, *&c.* may continue the same for the Residue of the Year.

Provided nevertheless, and be it enacted by the Authority aforesaid, That if any Person so licensed to sell Ale, Beer, or other Exciseable Liquors, shall die or remove from the Ale-house or other Place wherein such Ale, Beer, or other Liquors, shall, by virtue of such Licence, be sold, it shall and may be lawful for the Executors, Administrators, and Assigns, of such Person so dying or removing, who shall be possessed of such House or Place, or the Occupier thereof, to sell Ale, Beer, or other Liquors therein, during the Residue of the Term for which such Licence shall have been granted to the Person so dying or removing, without any Certificate from any Justice of the Peace, or any new Licence to be had or obtained in that Behalf; any thing in the said Act made in the Twenty sixth Year of the Reign of His present Majesty, or any other Law to the contrary thereof in any wise notwithstanding.

New Licences may be granted to Houses unoccupied and licensed the preceding Year,

Provided always, and be it enacted, That in case any Ale-house or Victualling-house, in that Part of Great Britain called England, shall become empty or unoccupied after the general Day appointed for licensing (the Occupier whereof was duly licensed the Year preceding) it shall be lawful for any Two of His Majesty's Justices of the Peace, at a Petty Sessions to grant a Licence to any new Tenant or Occupier, to open such House as an Ale-house or Victualling-house, and to sell Ale there, till the next general licensing Day, so as the said Licence be stamped as herein directed; such new Tenant or Occupier obtaining

Tenant obtaining a Certificate a-prescribed by Act 26 Geo. II.

obtaining such Certificate, as is directed and prescribed in and by an Act of Parliament, made in the Twenty sixth Year of his Majesty's Reign, intituled, An Act for regulating the Manner of licensing Ale-houses, in that Part of *Great Britain* called *England*; and for the more easy convicting Persons selling Ale and other Liquors without Licence.

Former Acts not to extend to Duties on Stamps granted by this Act.

Provided also, and be it enacted by the Authority aforesaid, That nothing in this Act, or in any former Law relating to Stampt Vellum, Parchment, or Paper, contained, shall extend, or be construed to extend, to charge with any Duty, such Vellum, Parchment, or Paper, on which any Licence to be granted by the said Commissioners of Excise respectively, or by their Officers, to retail distilled Liquors or strong Waters, shall be ingrossed, written, or printed.

Persons selling Beer, &c. in Prisons to take out Licences.

And be it further enacted by the Authority aforesaid, That every Person who shall retail Ale, Beer, or other Liquors, in any Prison, or House of Correction, or Work-house, to be appointed for the Reception of poor Persons, shall be deemed a Keeper of a Common Ale-house, or Tippling-house, and shall be subject to the Penalties inflicted by Law on the Keepers of Common Ale-houses and Tippling-houses, unless he or she shall obtain from the Justices of the Peace, according to due Course of Law, a Licence to retail such Beer, Ale, or other Excileable Liquors.

This Duty to be carried into the *Sinking Fund*.

And be it further enacted by the Authority aforesaid, That towards making good to the Sinking Fund, the Interest of Two Millions charged thereon by an Act of this Session of Parliament, the said Duty hereby granted shall be carried to and made Part of the said Fund.

Persons sued on this Act, may plead the General Issue,

And be it further enacted by the Authority aforesaid, That if any Action shall at any Time be brought against any Person for any Matter or Thing, which he or she shall do, or cause to be done, by virtue or in Execution of this Act, in every such Case, the Defendant or Defendants in every such Action, may plead the General Issue, and give this Act and the Special Matter in Evidence, on any Trial or Trials to be hereafter had in such Action; and that if the Plaintiff or Plaintiffs in any such Action shall discontinue such Action, or become Nonsuit, or if Judgement shall be given against such Plaintiff or Plaintiffs, in such Action, the Defendant or Defendants in every such Action shall recover his, her, or their Treble Costs of Suit.

and recover Treble Costs.

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FINIS.