ANNO TRICESIMO NONO

GEORGII III. REGIS.

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CAP. LXXXVI.

An Act for ascertaining the Rate of Duty to be paid for Retail Spirit Licences; and for authorizing the Justices of the Peace for any County to grant Licences to sell Ale, Beer, or other Liquors, by Retail, in Cities and Places where a sufficient Number of Magistrates cannot be found qualified to grant such Licences. [12th *July* 1799.]

Preamble. WHEREAS by an Act, made in the Thirtieth Year of the Reign of His present Majesty, among other Things for repealing the Duties upon Licences for retailing distilled Spirituous Liquors, and for granting other Duties in lieu thereof, certain Rates of Duty are imposed for and in respect of Licences to retail distilled Spirituous Liquors or Strong Waters, according to the Rent at which the Dwelling-house in which the Person authorized by any such Licence to retail distilled Spirituous Liquors or Strong Waters resided or retailed such distilled Spirituous Liquors or Strong Waters at the Time of taking out such Licence, together with the Offices, Courts, Yards, and Gardens, therewith occupied, were rated under the Authority of an Act, made in the Nineteenth Year of the Reign of His present Majesty, for imposing Duties on inhabited Houses: And whereas the Rates and Duties of the said Act of the Nineteenth Year of His present Majesty's Reign are repealed by another Act, made in the Thirty-eighth Year of His present Majesty's Reign, and other Rates and Duties are by the said last-mentioned Act imposed

30 *Geo.* III, Cap. 38.

19 *Geo.* III, Cap. 59.

38 *Geo.* III, Cap. 40.

impoſed for or in reſpect of inhabited Houſes according to the Rents therein ſpecified, and it is therefore expedient that the ſaid Licence Duties ſhould hereafter be aſcertained by the Rents according to which Dwelling Houſes ſhall be rated under the Authority of the ſaid Act of the Thirty-eighth Year aforeſaid; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, the ſaid Licence Duties ſhall be aſcertained according to the Rent at which the Dwelling Houſe ſhall at the Time of taking out any ſuch Licence be rated under the Authority of the ſaid Act of the Thirty-eighth Year aforeſaid; and that in all Caſes where the ſaid Act of the Thirtieth Year aforeſaid mentions or refers to any Dwelling Houſe, Offices, Courts, Yards, and Gardens, as being rated at any Rent under the Authority of the ſaid Act of the Nineteenth Year aforeſaid, the ſame ſhall be deemed and taken to refer to ſuch Dwelling Houſe, Offices, Courts, Yards, and Gardens, as being rated at that particular Rent under the Authority of the ſaid Act of the Thirty-eighth Year aforeſaid; any Thing in the ſaid laſt mentioned Act contained to the contrary in any wiſe notwithſtanding.

Licence Duties ſhall be aſcertained as Houſes, &c. are rated under laſt recited Act; and,

II. And whereas many Perſons ſince the making of the ſaid Act of the Thirty-eighth Year of His preſent Majeſty's Reign, have taken out Licences to authorize him, her, or them, to retail diſtilled Spirituous Liquors or Strong Waters, and paid for ſuch Licences the Sums of Money in that Behalf ſpecified in the ſaid Act of the Thirtieth Year aforeſaid; and it is expedient in reſpect thereof to make ſuch Proviſion as is herein-after mentioned; be it therefore enacted, That every ſuch Licence and Payment ſhall be deemed good and valid, and the Money ſo paid ſhall be deemed and taken to have been applicable to the Purpoſe for which the ſaid Duties impoſed by the ſaid Act of the Thirtieth Year of His preſent Majeſty's Reign were by that Act directed to be applied.

Licences taken out ſince paſſing it valid, and the Money paid for them applicable as the Duties impoſed by recited Act of 30 *Geo.* III.

III. And whereas by an Act, paſſed in the Sixth Year of the Reign of 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 enacted, That all and every Perſon or Perſons whatſoever, who ſhall have in his or her Cuſtody any Brandy, Arrack, Rum, Spirits, or Strong Waters, exceeding the Quantity of Sixty-three Gallons, ſhall be deemed and taken to be a Seller of and Dealer in Brandy, Arrack, Rum, Spirits, and Strong Waters, and ſubject to the Survey of the Exciſe: And whereas by an Act, paſſed in the Twenty-ſixth Year of the Reign of King *George* the Second, intituled, *An Act for the more effectually preventing the fraudulent Removal of Tobacco by Land or Water, and for the Eaſe of the fair Trader in Tobacco; and for aſcertaining the Rates payable for the Poſtage of certain Letters; and for amending and explaining the Laws relating to the Sale of Spirituous Liquors by Retail*, it is enacted, That no Juſtice of the Peace, being a common Brewer of Ale or Beer, Innkeeper, or Diſtiller, or other Seller of or Dealer in Ale, or any Kind of Spirituous Liquors, or intereſted in any of the ſaid Trades or Buſineſſes, or being a Victualler or Maltſter, ſhall, during ſuch Time as he ſhall be ſuch common Brewer, Innkeeper, Diſtiller,

6 *Geo.* I, Cap. 21.

26 *Geo.* II, Cap. 13.

Distiller, Victualler, or Maltster, or Seller of or Dealer in Ale, or other Spirituous Liquors, or interested in any of the said Trades or Businesses, be capable of or have any Power to grant any Licence or Licences to any Person or Persons for selling Ale, Beer, or any other Liquors by Retail: And whereas in divers Corporate Cities, Towns, and Places, wherein Foreign Spirituous Liquors are imported into this Kingdom, certain Persons exercising Corporate Offices, and no others, can grant Licences for selling Ale or Beer, or any other Liquors by Retail therein, and it may happen that so many of the Justices and Magistrates thereof, may be disqualified from granting such Licences by force of the said recited Acts, or that a sufficient Number of Persons exercising such Corporate Offices for the Time being may not be qualified to act therein according to the said Act, which may be productive of great Inconvenience, and may be injurious to the Publick Revenue; for Remedy whereof, be it further enacted, That, from and after the passing of this Act, in case it shall happen that in any City, Town, or Place, any of the Corporate Justices or Magistrates thereof for the Time being, shall not be capable of acting in granting such Licences as aforesaid, by reason that any such Justice or Magistrate, or Justices or Magistrates therein, is or are a Seller or Sellers of, or a Dealer or Dealers in, any Foreign Spirits, then and in every such Case it shall be lawful for any Justice or Justices of the Peace, acting in and for the County at large, within which such City, Town, or Place, shall be situate or next adjoining thereto, at the Request in Writing of the Chief Magistrate of any such City, Town, or Place, to act as a Justice or Justices, Magistrate or Magistrates, within such City, Town, or Place, for the Purpose of granting Licences to sell Ale, Beer, or other Liquors by Retail in such Corporate City, Town, or Place, instead of the Justice or Justices, or Magistrate or Magistrates thereof disqualified as aforesaid; any Act or Acts, or any Law, Custom, or Usage, to the contrary notwithstanding; and all such Justices, so required to act as aforesaid, shall be entitled to exercise the Powers and Jurisdictions of a Magistrate within such City, Town, or Place, for the Purpose of granting such Licences as aforesaid, and in all Things relating thereto, and shall be deemed and taken to be a Magistrate of such City, Town, or Place, for the Purposes aforesaid; but that such Justice or Justices shall not have any Authority, Power, or Jurisdiction, in such City, Town, or Place, by virtue of this Act, other than and for the Purposes hereinbefore mentioned.

In any Place where the Corporate Justices are by the Two last recited Acts disqualified to grant Licences for retailing Liquors, the Justices for the County at large may grant them at the Request of the Chief Magistrate.

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