ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

CAP. L.

An Act for regulating Licences for the Sale of Spirituous Liquors, Wine, Beer, Ale, and Cyder, by Retail, and for discouraging the immoderate Use of Spirituous Liquors in *Ireland*. [5th *June* 1805.]

WHEREAS the Laws now in force in *Ireland*, for regulating the Sale of Spirituous Liquors by Retail, and for discouraging the immoderate Use of them, have been found insufficient, and it is expedient to repeal the same, and to enact one new Law, with such Provisions as may be necessary; 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 an Act, made in the Parliament of *Ireland*, in the Thirty-seventh Year of the Reign of His present Majesty, intituled, *An Act for regulating the issuing of Licences for the Sale of Wine, Ale, Beer, Cyder, and Spirituous Liquors by Retail, and for preventing the immoderate Use of Spirituous Liquors*; and also several Acts made in the Parliament of *Ireland* in the Thirty-eighth, Thirty-ninth, and Fortieth Years of His present Majesty's Reign, and in the Parliament of the United Kingdom of *Great Britain* and *Ireland*, in the Forty-first Year of His present Majesty's Reign, for continuing and amending the said recited Act of the Thirty-seventh Year; and also so much of an Act, made in the last Session of Parliament, intituled, *An Act for making further Regulations for the better Collection and Security of His Majesty's Revenue of Customs and Excise in* Ireland, *and for preventing Frauds therein*, as

Irish Act, 37 G. 3.

and so much of 44 G. 3. c. 103. as relates to the Manner of granting Licences, repealed.

as relates to the Manner of granting and iſſuing ſuch Licences, ſhall, from and after the Twenty-ninth Day of *September* One thouſand eight hundred and five, ceaſe and determine, and ſhall be and the ſame are hereby repealed and made null and void, except ſo far as may concern the proſecuting, ſuing for, and recovering of any Fines, Penalties, or Forfeitures, for any Offence againſt the ſaid Acts or any of them, committed before the ſaid Twenty-ninth Day of *September* One thouſand eight hundred and five.

Magiſtrates at General Seſſions in April ſhall fix a Time and Place for Special Seſſions in each Barony, to order Licences.

II. And whereas it is expedient that the Power of granting Licences for the Sale of Spirituous Liquors, Wine, Beer, Ale, and Cyder, by Retail, in *Ireland*, ſhould be veſted in the Magiſtrates of the ſeveral Counties, whoſe eſpecial Duty it is to attend to the Peace of the Country, and to the Morals and Sobriety of the People; be it further enacted, That, at the General Seſſions of the Peace, which ſhall be held yearly in each County in *Ireland* in the Month of *April*, before any Civil Bills ſhall be proceeded upon, a Time and Place ſhall be appointed by the Court, at which Special Seſſions of the Peace are to be held in each Barony or Half Barony of the County before the Firſt Day of *July* following, for the Purpoſe of fixing upon Perſons proper to be entruſted with the Sale of Spirituous Liquors, Wine, Beer, Ale, and Cyder, by Retail, within ſuch Barony or Half Barony, and of ordering Licences to be iſſued accordingly, which the Juſtices aſſembled at every ſuch Special Seſſions are hereby authorized and required to do.

If Special Seſſions is not ſo appointed or held, Licences ſhall be ordered at General Seſſions in July.

III. And be it further enacted, That in caſe ſuch Special Seſſions ſhall be omitted to be ſo appointed for all or any of the Baronies or Half Baronies in the County, or in caſe there ſhall not be a ſufficient Attendance of Juſtices on the Day appointed for any ſuch Special Seſſions, or in caſe no Licence as aforeſaid ſhall be ordered to be iſſued thereat for any Barony or Half Barony, it ſhall be lawful for the Juſtices of the Peace, and they are hereby required at the next ſucceeding General Seſſions in *July*, to fix upon Perſons proper to be entruſted with ſuch Sale within each and every ſuch Barony or Half Barony, and to order Licences to be iſſued accordingly in the ſame Manner as Juſtices might have done at a Special Seſſions held within ſuch Barony or Half Barony, under the Proviſions of this Act; and every Act done at ſuch General Seſſions in *July* ſhall be as valid to all Intents and Purpoſes, for the Execution of this Act, as if done at a Special Seſſions held in ſuch Barony or Half Barony.

In Towns and Cities (except Dublin) Licences may be ordered at Seſſions either in April or July, or both.

IV. And be it further enacted, That in each County of a Town or City (*Dublin*, and the Diſtrict of Five Miles beyond the Circular Road and the Wall of the *Phœnix Park* only excepted) it ſhall and may be lawful for the Juſtices of the Peace thereof at the General Seſſions either in *April* or *July*, or at both in each Year, to fix upon proper Perſons to be entruſted with the Sale of Spirituous Liquors, Wine, Beer, Ale, and Cyder therein, and to order Licences to be iſſued accordingly, which the Juſtices aſſembled at ſuch Seſſions are hereby authorized and required to do.

Particulars of Names, &c. to be delivered to the Clerk of the Peace by Party to be licenſed.

V. And be it further enacted, That no Licence as aforeſaid ſhall be ordered or iſſued to any Perſon, unleſs the Perſon applying for ſuch Licence ſhall have delivered in Writing to the acting Clerk of the Peace his Chriſtian and Surname, and Place of Abode, ſpecifying the Houſe, Town

Town or Townland, Pariſh, Barony or Half Barony, and if in the County of a Town or City, the Road, Street, Square, Lane, or other Deſcription of Place where ſuch Perſon deſires to be licenſed to ſell in, and the Names and Places of Abode of the Perſons whom ſuch Perſon requiring ſuch Licence propoſes as Sureties, not being Diſtillers or Publicans.

Juſtices ſhall enquire into the Character and ſufficiency of the Party, and of the Houſe and Sureties, and their Approbation ſhall be entered in the Crown Book.

VI. And be it further enacted, That the Juſtices at every ſuch Special or General Seſſions as aforeſaid, ſhall, previous to ordering any Licence as aforeſaid to be iſſued, inquire, and they are hereby authorized and directed to inquire in open Court, and upon Oath if they ſhall ſee Occaſion, into the Character of each Perſon ſo applying for a Licence, whether ſuch Perſon be of good Fame, ſober Life, and orderly Conduct, and whether the Houſe wherein ſuch Perſon propoſes to ſell Spirituous Liquors, Wine, Beer, Ale and Cyder, by Retail, is conveniently ſituated for the Purpoſe, and capable of and convenient for the Sale of Victuals, and the Accommodation of Travellers or Perſons reſorting thereunto for Food and Proviſions, and they ſhall alſo inquire whether the Sureties propoſed by each ſuch Perſon are good and ſufficient for the Sums they are to be bound in, and their Approbation of any ſuch Perſon, and of the Sureties offered, and of the Place and Houſe or Houſes whereat ſuch Perſon deſires to be licenſed ſhall be immediately entered in open Court in the Crown Book thereof, by the acting Clerk of the Peace, and be ſigned by at leaſt Two Juſtices attending at ſuch Seſſions.

Grand Juries at Spring Aſſizes ſhall determine the Number of Houſes to be licenſed in each Barony.

VII. And, in order more effectually to provide for proper Situations only being ſelected for the Sale of Spirituous Liquors, Wine, Beer, Ale, and Cyder, and to guard againſt a greater Number of Houſes being licenſed than ſhall be compatible with the Morals and Sobriety of the People; be it further enacted, That it ſhall be lawful for the Grand Jury of each County or County of a Town or City to inquire into, and determine, at each Spring Aſſizes, the Number of Houſes which, conſiſtent with a due Attention to the Morals and Sobriety of the People, it may be expedient to allow to be licenſed to ſell Spirituous Liquors, Wine, Beer, Ale and Cyder by Retail, for One Year, from the Twenty-ninth Day of *September* next enſuing, within each Barony or Half Barony of ſuch County, or within ſuch County of a Town or City, ſpecifying the Townland, Town, or Village, and the Number of publick Houſes to be allowed in each Townland, or in each Town or Village, or within a Diſtrict not leſs than a Mile around ſuch Town or Village, or in each County, or the Pariſh or Pariſhes, and the Number of publick Houſes to be allowed in each if in a County of a Town or City; and they ſhall cauſe ſuch their Determination to be delivered to the Clerk of the Peace, who ſhall produce and read the ſame aloud in open Court at the General or Special Seſſions, as the Caſe may be, before any Order ſhall be made thereat for iſſuing any Licence; and no Order ſhall be made for the iſſuing of any Licence, nor ſhall any Licence if iſſued be valid for the Sale of Spirituous Liquors, Wine, Beer, Ale, or Cyder, in any Place not ſpecified for the Purpoſe in ſuch Determination, or in greater Number than ſhall be therein ſpecified if ſuch Determination ſhall have been ſo made: Provided always, that if no ſuch Determination ſhall be made by the Grand Jury, it ſhall be lawful for the Juſtices at any ſuch Seſſions as aforeſaid to order ſuch Number of Licences to be iſſued, and for ſuch Places as in their Diſcretion they ſhall think expedient, and compatible with the Morals and Sobriety of the Inhabitants.

If no Determination by Grand Jury, Juſtices may order Licences at their Diſcretion.

VIII. And

If Licences not ordered at Special or General Seſſions, they may be granted by Clerk of the Peace, under certain Reſtrictions.

VIII. And be it further enacted, That in caſe at any Special or General Seſſions as aforeſaid, no Order ſhall be given for iſſuing Licences in Manner herein preſcribed, or in caſe no Order ſhall be given thereat for iſſuing Licences in any particular Barony or Half Barony, it ſhall and may be lawful for the Clerk of the Peace to iſſue Licences for One Year, from the Twenty-ninth Day of *September* in that Year, for the Sale of Spirituous Liquors, Wine, Beer, Ale, and Cyder, to the ſame Perſons, and at and for the ſame Houſes or Places as ſhall have been licenſed in the Year ending on ſuch Twenty-ninth Day of *September*, provided ſuch Perſons reſpectively, together with their Sureties, or ſuch other Sureties as ſhall be approved of by Two Magiſtrates, ſhall enter into a Bond in the Amount; and conditioned as is enacted reſpecting the Bond herein mentioned; and it ſhall and may be lawful for ſuch Clerk of the Peace alſo to iſſue a like Licence to any Perſon or Perſons whom any Two Magiſtrates of the County, reſiding within Five Miles of the Habitation of ſuch Perſons, ſhall certify under their Hands and Seals to be a proper Perſon for being entruſted with the Sale of Spirituous Liquors, Wine, Beer, Ale, and Cyder, at ſuch Place as ſhall be mentioned in ſuch Certificate, and on Security to the Amount, and conditioned in like Manner and approved of in ſuch Certificate being firſt entered into and delivered to him: Provided always, that every ſuch Licence be conformable to the Determination of the Grand Jury if any ſuch ſhall have been duly made.

Conditions of Bonds to be entered into by Parties licenſed, and their Sureties if ready, in open Court.

IX. And be it further enacted, That upon any Order made by the Juſtices of the Peace purſuant to this Act for iſſuing a Licence, if the Perſon applying, and the Sureties approved of for ſuch Perſon, ſhall attend in Court, their Security may be immediately taken, that of the Perſon applying in the Sum of Fifty Pounds, and that of the Sureties each in Twenty-five Pounds in a Bond to His Majeſty, His Heirs and Succeſſors, the Condition of every which Bond ſhall be, that the Perſon to be licenſed ſhall keep a Victualling Houſe, Inn, or Tavern, during the Time ſuch Licence ſhall be in force, and ſhall be conſtantly provided with ſtrong Beer, Ale, or Porter, and Victuals of good and found Quality for Sale by Retail, and ſhall ſupply all Travellers who ſhall require it with ſuch Victuals, and Beer, Ale, and Porter, at reaſonable Rates, and ſhall not ſell Spirituous Liquors to be conſumed in his or her Houſe or Premiſes on or during a *Sunday*, nor Wine, Ale, Beer, Porter, or Cyder, on a *Sunday* before Two of the Clock in the Afternoon, except to Travellers, nor before Sunriſe any Morning, nor after an unreaſonable Hour any Evening, nor to any Tradeſman, Artificer, or Labourer reſorting to his or her Houſe for the Purpoſe of receiving Wages, or of entering into any Combination, and ſhall not knowingly or wilfully entertain any Perſons aſſembling for the Purpoſe of entering into an unlawful Aſſociation or Combination therein, or Perſons in Arms who are not by Law qualified to carry the ſame; and that ſuch Perſon ſo to be licenſed reſpectively ſhall not at any Time receive into his or her Houſe, or permit or ſuffer to be ſold therein or thereout any Spirituous Liquors which ſhall not, to the beſt of his or her Knowledge and Belief, have fully paid His Majeſty's Duties, and which ſhall not have been duly and legally attended with proper Permits to ſuch Perſon from the Diſtillery or Stores of a licenſed Diſtiller or Factor.

Diſtillers or Publicans not to be Sureties.

X. Provided always, and be it enacted, That no Diſtiller or Publican ſhall be allowed to become Surety, or ſhall be accepted as ſuch in any

Bond

Bond to be taken on the iſſuing or granting any ſuch Licence as aforeſaid; and if any Publican or Diſtiller ſhall become Surety, or enter into any ſuch Bond as Surety, the Licence granted in conſequence thereof ſhall be void and of none Effect.

Clerk of the Peace may iſſue Licence on Stamps.

XI. And be it further enacted, That in caſe ſuch Security ſhall not be entered into in open Court, the ſame may be entered into before any Magiſtrate at any Time before the Twenty-ninth Day of *September* next enſuing the ordering of any Licence, and upon ſuch Security, whether entered into in open Court, or before a Magiſtrate, being delivered to the acting Clerk of the Peace, he ſhall file the ſame, and preſerve it among the Records of the County; and it ſhall thereupon be lawful for ſuch Clerk of the Peace, and he is hereby required, to give or cauſe to be given to the Perſon in whoſe Behalf ſuch Security ſhall have been entered into, immediately on Demand, a Licence in the Form following; that is to ſay:

Form of Licence.

'*A. B.* of is hereby licenſed to ſell Spirituous Liquors, Wine Beer, Ale, and Cyder, by Retail, at in the Pariſh [*or, if the Place is extraparochial*, the Townſhip] of until the Twenty-ninth Day of *September* One thouſand eight hundred and

Which Licence ſhall be of force for One Year from the Twenty-ninth Day of *September* in the ſaid Year until the Twenty-ninth Day of *September* in the Year next enſuing; and every ſuch Licence ſhall be on Vellum, Parchment, or Paper, ſtamped with ſuch Stamp or Stamps as is or ſhall be required by Law for the ſame, for the iſſuing whereof, and filling up the ſame, and alſo for filling up ſuch Bond as aforeſaid, if he be required ſo to do, every ſuch Clerk of the Peace ſhall be entitled to demand and receive the Sum of Two Shillings and Sixpence *Britiſh* Currency as a Fee, together with the Amount of the Stamp Duties on ſuch Bond, if he ſhall have paid for and ſupplied the ſame before he ſhall ſign or deliver ſuch Licence; and if ſuch Clerk of the Peace ſhall have paid for and ſupplied the ſtamped Vellum, Parchment, or Paper for ſuch Licence, at the Deſire of the Perſon applying for a Licence, he ſhall be entitled to demand and receive the Amount of the Stamp Duty thereon, and alſo the further Sum of Two Shillings and Sixpence like Currency for his Expence in procuring the ſame, if ſuch Stamp Duty ſhall not exceed Eleven Pounds like Currency, and of Five Shillings if ſuch Stamp Duty ſhall exceed Eleven Pounds like Currency.

Fees.

Perſons refuſed may appeal.

XII. And be it further enacted, That if any Perſon ſhall apply in Manner herein-before directed for any Order for iſſuing a Licence as aforeſaid, and the Juſtices aſſembled at the Seſſions ſhall refuſe to grant ſuch Order, or if the Clerk of the Peace, in Caſes where no ſuch Order is requiſite, ſhall refuſe to iſſue a Licence to any Perſon entitled under the Proviſions of this Act to receive the ſame, and the Perſon ſo applying ſhall think himſelf or herſelf aggrieved by ſuch Refuſal, it ſhall and may be lawful for every ſuch Perſon to appeal to the next General Seſſions of the Peace to be held in ſuch City, Town, or County in *Ireland*; and in caſe the Juſtices at ſuch Seſſions ſhall think ſuch Perſon proper and qualified to be licenſed, and ſhall approve of the Sureties to be named by ſuch Perſon, it ſhall be lawful for them to order a Licence to be iſſued forthwith, under

the like Securities, Terms, and Regulations respectively, as are hereinbefore directed.

For Supply of Stamps for Licences, Diſtributors ſhall attend at Seſſions.

XIII. And for the better and more convenient Supply of ſtamped Vellum, Parchment, and Paper for ſuch Licences, be it further enacted, That the Commiſſioners for managing His Majeſty's Stamp Duties in *Ireland* ſhall cauſe a Diſtributor or other proper Perſon to attend at every Special or General Seſſions whereat ſuch Licences may be ordered, purſuant to the Proviſions of this Act, or at ſuch other convenient Place or Places, and at ſuch Time or Times as the Juſtices attending at ſuch General or Special Seſſions ſhall appoint, in Writing by Notice to the ſaid Commiſſioners, or on Failure of ſuch Notice, at ſuch convenient Places in each County as the ſaid Commiſſioners ſhall judge proper, with a ſufficient Quantity of Paper, Vellum, or Parchment, duly ſtamped, for the Purpoſe of being delivered to any Perſon who ſhall require the ſame, upon Payment of the Stamp Duty thereon, and of Two Shillings and Sixpence *Britiſh* Currency for the Trouble of each Diſtributor or other Perſon attending therewith, if the Stamp Duty thereon does not exceed Eleven Pounds like Currency, and of Five Shillings like Currency if ſuch Stamp Duty ſhall exceed Eleven Pounds like Currency.

Licence may be made applicable to ſelling Liquors at Fairs.

XIV. And be it further enacted, That if any Perſon ſo licenſed ſhall be deſirous to ſell Spirituous Liquors, Wine, Beer, Ale, or Cyder, in any Hut, Tent, or Booth, or in any Street, Road, or open Place, at any Fair, and ſhall apply for Licence to do ſo to any Magiſtrate of the County or County of a Town or City, reſident within Five Miles of ſuch Fair, it ſhall be lawful for ſuch Magiſtrate to endorſe upon his Licence a Liberty ſo to do, with the Conſent of the Proprietor of the Tolls of ſuch Fair, ſpecifying the Day or Days of the Fair which ſuch Perſon ſhall be permitted to ſell at, on ſuch Perſons paying to the Collector of Exciſe of the Diſtrict wherein ſuch Fair ſhall be held, ſuch Duty as ſhall be payable therefore for each Fair Day at which ſuch Perſon ſhall be authorized by any ſuch Endorſement to ſell as aforeſaid, and upon ſuch Collector certifying ſuch Payment upon the Foot or Back of ſuch Licence; and every Collector certifying ſuch Payment ſhall deliver or cauſe to be delivered to the Commiſſioners for managing the Stamp Duties, an Account thereof at the End of each Month, and ſhall ſend a ſimilar Account to the Clerk of the Peace.

Collectors to deliver Accounts thereof at the Stamp Office and to the Clerk of the Peace.

Licences to ſell Beer or Spirits at Encampments from Month to Month.

XV. And be it further enacted, That if any Officer of His Majeſty's Militia or Regular Forces commanding any Encampment of Troops ſhall recommend any Perſon to be licenſed for the Sale of either Spirituous Liquors, Wine, Ale, Beer, or Cyder, or all or any of them, it ſhall be lawful for any Two Magiſtrates within their Juriſdiction to give an Order for the iſſuing a Licence to ſuch Perſon ſo recommended to ſell ſuch Articles as aforeſaid, ſpecified in ſuch Recommendation at ſuch Encampment, for One Month and to order the ſame to be renewed from Month to Month during the Continuance of ſuch Encampment, and no longer.

Stamp Diſtributors ſhall grant ſuch Licences on Stamps.

XVI. And be it further enacted, That every ſuch Licence, or Renewal thereof, ſhall be iſſued by a Diſtributor of Stamps, on Vellum, Parchment, or Paper, ſtamped with a Stamp of the Amount of the Duty payable thereon, for ſupplying which he ſhall be entitled to demand and receive

receive a Fee of One Shilling *Britiſh* Currency, and that a Certificate of every ſuch Licence, and of every Renewal thereof, ſhall be delivered by ſuch Diſtributor to the acting Clerk of the Peace within One Month after the ſame ſhall have been iſſued, and ſhall be by him entered along with the Licences iſſued by him.

Camp Licences may be revoked on Notice by Commanding Officer.

XVII. Provided alſo, and be it further enacted, That no ſuch Licence ſo iſſued on the Recommendation of the Commanding Officer of an Encampment, ſhall be of force after ſuch Officer or any other Commanding Officer thereat ſhall revoke the ſame, and give Notice in Writing of ſuch Revocation to either of the Two Juſtices who ſigned the Order for licenſing, or to the Stamp Diſtributor who ſhall have iſſued the Licence.

Licenſed Perſons ſhall have or keep Boards with their Names, on Penalty equal to Stamp Duty on Licences.

XVIII. And be it further enacted, That every Perſon licenſed under the Proviſions of this Act ſhall affix or cauſe to be affixed on ſome conſpicuous Place on the Outſide of his Houſe, not more than Three Feet diſtant from the Top of the front Door thereof, and alſo on the Outſide of the Place at any Fair where ſuch Perſon ſhall be allowed to ſell Spirituous Liquors, Wine, Beer, Ale, or Cyder, his or her Name at full Length painted on a Board in white Letters One Inch long at the leaſt, upon a black Ground, or in black Letters of like Length upon a white Ground, and the Words "Licenſed to ſell Spirituous and other Liquors by Retail," in Letters of like Size and Colour, and ſhall preſerve and keep up the ſame during the Time ſuch Perſon ſhall continue to ſell therein Spirituous or other Liquors by Retail, or in Default thereof ſhall forfeit a Sum equal to the Amount of the Stamp Duty paid or chargeable upon his or her Licence ſo to ſell Spirituous or other Liquors.

Certain Perſons declared incapable of receiving Licences.

XIX. And be it further enacted, That no Diſtiller, Bailiff, Gaoler, Turnkey, Conſtable, Sheriff, Sub-Sheriff, Sheriff's Officer, Peace Officer, Keeper of any Turnpike Gate, Commiſſioned or Non-commiſſioned Yeoman Officer, Officer of Cuſtoms or Exciſe, nor any Perſon exerciſing by himſelf, or any Perſon for his Uſe or Benefit, the Trade or Buſineſs of a Grocer, or who ſhall be licenſed as a Grocer, or in whoſe Houſe or in any Building occupied by him or her, or any Houſe or Building adjoining thereto, and which ſhall communicate with ſuch Houſe or Building, the Trade or Buſineſs of a Grocer ſhall be carried on, or who ſhall not be a Victualler, Inn-keeper, or Tavern-keeper, ſhall be capable of receiving a Licence to ſell Spirituous Liquors, Wine, Beer, Ale, or Cyder by Retail, nor any Perſon who ſhall not previouſly ſubſcribe the Oath of Allegiance, and likewiſe take and ſubſcribe an Oath that he is not, nor has not been, ſince the Sixth Day of *October* One thouſand ſeven hundred and ninety-eight, a United *Iriſhman*, nor acted as ſuch, nor is a Member of or connected with or belonging to any Society or Meeting formed or appointed for any treaſonable, ſeditious, or unlawful Purpoſe, and that he or ſhe will not permit or ſuffer to be ſold in any Houſe, Building, Outhouſe, Tent, Field, or other Place, for his or her Account or Profit during the Continuance of the Licence, any Spirituous Liquors which ſhall not have been duly and legally permitted and attended with proper Permits to him or her, and which ſhall not, to the beſt of his or her Knowledge or Belief, have paid the full Duties due thereon to His Majeſty; and every Licence which ſhall be iſſued to any Perſon declared by this Act not to be capable of receiving the ſame, or to any Perſon or Perſons in Truſt, or to the Uſe or

Benefit of such Person or Persons so declared incapable, shall be and the same is hereby declared to be void to all Intents and Purposes, and the Person whose Licence shall so become null and void shall be deemed an unlicensed Retailer of Spirituous Liquors, and be subject to such Penalties, Forfeitures, and Disabilities as Retailers of Spirituous Liquors without Licence are subject to.

Who shall be deemed Victuallers.

XX. And be it further enacted, That no Person shall be deemed a Victualler, Inn-keeper, or Tavern-keeper, within the Meaning of this Act, who shall not furnish or sell Victuals to be consumed in the House of such Person.

No Licence to Houses not paying Hearth or Window Duty.

XXI. And be it further enacted, That no Licence as aforesaid shall be granted to any Person who shall not be charged with and pay Duty for Two Fire Hearths at the least, nor unless the House of such Person shall be charged and pay Tax in respect of some Windows or Lights therein.

Act not to extend to Apothecaries.

XXII. And be it further enacted, That nothing in this Act contained shall extend to subject any Apothecary or Druggist to any Penalty for selling Cordial or Medicinal Waters, in the Way of his Business as an Apothecary or Druggist, or to oblige him to have a Licence for so doing.

Assignees may continue Retailers till Expiration of Licence, provided they obtain Certificates and execute Bonds.

XXIII. And be it further enacted, That if any Person licensed to sell Spirituous Liquors, Wine, Beer, Ale, and Cyder in *Ireland*, shall assign the House or Place in which such Person shall have been licensed to sell such Liquors to any Person, or shall die, the Assignee of such Person assigning his Interest, or the Executors or Administrators of the Person so dying, or his or their Assignee who shall become possessed of such House or Place, may lawfully sell Spirituous Liquors, Wine, Beer, Ale, and Cyder therein, until the Expiration of the Term for which the Licence shall have been granted, provided such Executors or Administrators, or such Assignee, shall have obtained the Certificate of the Two next resident Justices of the Peace, or any Two Justices resident within Five Miles thereof, that he, she, or they is or are a proper Person or Persons to be licensed to sell Spirituous Liquors, Wine, Beer, Ale, and Cyder by Retail, and shall, together with Two sufficient Sureties approved of by such Justices, have executed such Bond as is herein-before required on granting a Licence.

Licences granted on Certificates fraudulently obtained shall be void, and such Persons liable to Penalties.

XXIV. And be it further enacted, That if any Licence shall be granted by any Clerk of the Peace in *Ireland* to any Person to sell Spirituous Liquors, Wine, Beer, Ale, and Cyder by Retail, on any Order fraudulently obtained from or made by any Justices, not pursuant to the Directions of this Act, every such Licence shall be void, and the Person to whom such Licence shall have been granted shall be deemed a Retailer of Spirituous Liquors, Wine, Beer, Ale, or Cyder, without Licence, and shall be subject to the same Penalties as Persons selling such Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail, without Licence, are by this Act subject to.

Licences void if Spirits sold in Places not therein described, and Persons liable to Penalties.

XXV. And be it further enacted, That if any Person licensed to sell Spirituous Liquors, Wine, Beer, Ale, and Cyder by Retail in *Ireland*, shall sell by Retail any such Liquors in any other Place than such Houses or

Places thereunto belonging wherein ſuch Perſon inhabited and dwelled at the Time of the iſſuing of ſuch Licence, and which ſhall be deſcribed therein, ſuch Licence ſhall be of no Effect to protect ſuch Perſon from any Penalties he or ſhe may be liable to on Account thereof; but ſuch Perſons ſhall be liable to the ſame Penalties on Account of ſuch Sale as Perſons ſelling Spirituous Liquors, Wine, Beer, Ale, or Cyder by Retail, without Licence, are by this Act ſubject to.

In Dublin the Place may be changed by Leave of Superintendant Magiſtrate.

XXVI. Provided always, and be it enacted, That it ſhall and may be lawful for the Superintendant Magiſtrate of *Dublin*, on Application to him made for that Purpoſe by any Perſon, being licenſed as herein-after mentioned within the Diſtrict of the Metropolis of *Dublin*, to allow ſuch Perſon to ſell ſuch Liquors by Retail in any Houſe or Place within the ſaid Diſtrict, other than the Houſe or Place deſcribed in ſuch Licence, for the Remainder of the Year for which ſuch Licence ſhall be granted, which ſaid laſt-mentioned Place ſhall be indorſed on the Back of ſuch Licence, and ſigned by the Hand of ſuch Superintendant Magiſtrate.

Who ſhall be deemed Retailers.

XXVII. And be it further enacted, That every Perſon who ſhall ſell, by himſelf or herſelf, or by any Perſon employed by him or her, or acting for his or her Benefit, either within his or her Houſe, Out-houſe, or Building, Hut, Tent, or other Place whatever, or to be conſumed elſewhere, Spirituous Liquors in leſs Quantity at one Time than Four Gallons, mixed or unmixed with Water, Sugar, or other Ingredients, or Beer, Ale, or Cyder, in leſs Quantity than a Quarter of a Barrel, or Wine in leſs Quantity than One Gallon, (Sellers of bottled Beer, Ale, Porter, or Cyder excepted, who ſhall ſend the ſame abroad, and not ſell any to be conſumed in their own Houſes), ſhall be deemed to be Retailers, and to ſell the ſame by Retail within the Meaning of this Act, and if not duly licenſed ſhall be ſubject to all and ſingular the Penalties and Diſabilities enacted againſt Perſons ſelling the ſame without Licence.

Penalty on Clerk of the Peace entering Order, or iſſuing Licences unduly.

XXVIII. And be it further enacted, That if any Clerk of the Peace ſhall enter in the Crown Book any Order contrary to or inconſiſtent with the Order of the Juſtices, or any Proviſions in this Act contained, or ſhall iſſue any Licence for a greater Number of Perſons in any Townland, Town, or Village, or within a Diſtrict not leſs than One Mile round any Town or Village, or in any Pariſh within the County, County of a Town or City, other than ſhall be contained in the Determination of the Grand Jury, if ſuch Determination ſhall have been duly made, or ſhall iſſue any Licence not authorized by the Proviſions of this Act, he ſhall for every Order ſo entered, or Licence ſo iſſued, forfeit the Sum of Five hundred Pounds, and every ſuch Order and Licence ſhall and is hereby declared to be null and void.

Clerks of Peace ſhall tranſmit Liſts of Perſons licenſed to Exciſe and Stamp Offices when required.

XXIX. And be it further enacted, That the ſeveral Clerks of the Peace in *Ireland*, ſo often as they ſhall be thereunto required by Notice ſigned by any Commiſſioner of Exciſe, or by any Commiſſioner for managing the Stamp Duties in *Ireland*, ſhall tranſmit to the Exciſe and Stamp Offices in *Dublin* reſpectively, a true and accurate Liſt of all Licences iſſued by them reſpectively, and the Dates of ſuch Licences, the Names of the Perſons licenſed and their Sureties, and the Places where they ſhall be

licenſed to ſell, and the Amount of the Stamp Duty paid on ſuch Licences reſpectively; and alſo Copies or Extracts of all Bonds entered into with reſpect to any Licence iſſued, and the Amount of Stamp Duty paid on ſuch Bonds reſpectively; and of all Licences certified to him in reſpect to Fairs by any Collector, and by Juſtices of the Peace in reſpect of Encampments; and if any Clerk of the Peace ſhall refuſe or omit to return ſuch Liſt within Ten Days after ſuch Notice as aforeſaid, he ſhall for every Offence forfeit the Sum of Twenty Pounds, *Britiſh* Currency, and a further Sum of One Pound a Day, like Currency, until he ſhall tranſmit ſuch Liſt reſpectively.

Clerks of Peace ſhall keep and produce Bonds of licenſed Perſons.

XXX. And be it further enacted, That every Clerk of the Peace ſhall keep all Bonds entered into by any Perſons licenſed under this Act, and by their Sureties, among the Records of the County, and ſhall, upon Demand made to him by any Juſtice of the Peace, or by any Officer of the Commiſſioners of Exciſe, or Commiſſioners for managing the Stamp Duties, produce any Bond ſo demanded for his Inſpection.

Penalty on Clerk of the Peace taking greater Fees than allowed under this Act.

XXXI. And be it further enacted, That if any Clerk of the Peace ſhall demand, take, or receive, directly or indirectly, by himſelf, or any other Perſon employed by him or acting on his Behalf, any greater Fee or Fees for doing his Duty under this Act than are allowed unto him by this Act, or ſhall refuſe to fill up any Bond or any Licence which he is required to fill for the Purpoſe of carrying this Act into Execution, he ſhall forfeit the Sum of One hundred Pounds to any Perſon who ſhall ſue for the ſame, and ſhall upon Conviction thereof be and is hereby delared incapable of ever acting as Clerk of the Peace.

Fine on Clerk of the Peace for Non-attendance or Neglect.

XXXII. And be it further enacted, That if any Clerk of the Peace ſhall neglect to attend at any Seſſions of the Peace, General or Special, at which any Act is to be done towards carrying any Part of this Act into Execution, unleſs prevented by Sickneſs or ſudden Accident, ſufficient in the Opinion of the Court to juſtify his Abſence, and verified by Oath, or ſhall neglect to provide a proper and ſufficient Perſon, in caſe ſuch his neceſſary Abſence therefrom, to act there for him, and for whom he ſhall be anſwerable, it ſhall be lawful for the Juſtices, or for any Juſtice attending, if there ſhall be only one, to fine ſuch Clerk of the Peace for every ſuch Neglect or Omiſſion, in the Sum of Twenty Pounds *Britiſh* Currency, which Fine ſhall be immediately eſtreated into the Court of Exchequer in *Ireland*.

Clerks of the Peace may appoint Deputies.

XXXIII. And be it further enacted, That it ſhall be lawful for every Clerk of the Peace to appoint One or more ſufficient Deputy or Deputies to act for him in the Execution of this Act, each reſident within the County of which he ſhall be Clerk of the Peace, and for whom ſuch Clerk of the Peace ſhall be anſwerable, and the Act of each and every ſuch Deputy or Deputies ſhall be deemed the Act of the Clerk of the Peace by whom he or they is or are appointed, and ſhall ſubject ſuch Clerk of the Peace to all Penalties and Diſabilities for any Acts, Matters, or Things done, or neglected to be done by any of them, as if ſuch Act had been done, or neglected to be done by ſuch Clerk of the

Peace; and every such Deputy shall be deemed the acting Clerk of the Peace in the Absence of the Clerk of the Peace.

In Absence of Clerk of the Peace the Treasurer of the County may act for him.

XXXIV. And be it further enacted, That in case any Clerk of the Peace, or acting Clerk of the Peace, shall at any Time neglect to attend in the Execution of his Duty under this Act at any Sessions, General or Special, it shall and may be lawful for the Treasurer of the County, then there present, to do all such Act and Acts as are by this Act required to be done by such Clerk of the Peace, at such Sessions, General or Special, and to take such Fees for the same as such Clerk of the Peace is by this Act authorized and empowered to take.

Affidavit of Clerk of the Peace that he has not received more Fees than due to him, to be made.

XXXV. And be it further enacted, That no Presentment shall be made by any Grand Jury, or fiated by any Judge of Assize for any Money to be paid to any Clerk of the Peace for any Purpose whatsoever, either for Salary, Fees, or otherwise, unless such Clerk of the Peace shall lay before the Grand Jury an Affidavit made by him, that he has not taken or received since the passing of this Act any greater or other Fee or Fees for any Thing done by him in the Execution thereof than what are allowed to him expressly by the same, every which Affidavit shall be laid before the Judge of Assize, and read in open Court, before the Judge shall fiat the Presentment, and it shall then be delivered to the Clerk of the Crown, to be kept among the Records of the County.

Penalty on Persons selling Spirits without Licences within a certain Distance of Dublin, Cork, Waterford, or Limerick.

XXXVI. And be it further enacted, That no Person shall sell any Spirituous Liquors, Wine, Beer, Ale, or Cyder by Retail, unless such Person shall be licensed so to do in Manner herein directed; and if any Person shall sell any such Liquors by Retail, without having obtained such Licence as directed by this Act, or having obtained such Licence the same shall have become void, every such Person being duly convicted thereof before any One Magistrate for the First Offence, and before any Two Magistrates for the Second or any subsequent Offence, either by his or her Confession, or the Oath of any One credible Witness, shall for the First Offence, if committed within the City of *Dublin*, or within the Circular Road, or within the District of the Metropolis of *Dublin*, or in any Place beyond the Circular Road and the Wall of His Majesty's Park the *Phœnix*, not distant more than Five Miles therefrom, or within the Cities of *Cork*, *Waterford*, or *Limerick*, or within the rest of the Counties of the said Cities, forfeit the Sum of Thirty Pounds, *British* Currency, and for the Second and every further Offence Forty Pounds *British* Currency; and if such Offence shall be committed in any other Place in *Ireland*, every such Person shall for the First Offence forfeit the Sum of Twenty Pounds *British* Currency, and for the Second and for every further Offence Thirty Pounds *British* Currency; and in Default of Payment of the said Forfeitures or Penalties respectively, for the First Offence the Person offending shall be committed to Gaol for a Space not exceeding Four Calendar Months, nor less than Two Calendar Months, and in Default of Payment of the said Forfeitures or Penalties respectively, for the Second or any further Offence shall be committed to Gaol, there to remain for the Space of Six Calendar Months: Provided always, that nothing herein contained shall extend to Sellers of bottled Beer, Ale, Porter, or Cyder, who shall send the same Abroad, and not sell any to be consumed in their own Houses.

Saving for Sellers of bottled Ale.

XXXVII. And

Persons twice convicted shall be incapable of being licensed, and shall be liable to Penalties.

XXXVII. And be it further enacted, That if any Person shall be convicted of a Second Offence against this Act, such Person shall be incapable of receiving a Licence to sell Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail, and that every Licence for that Purpose granted or to be granted to any such Person shall be void; and any such Person afterwards selling any Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail, in *Ireland*, shall be subject to the same Penalties as Persons selling Spirituous Liquors or other Liquors, by Retail, without Licence, are subject to.

Magistrate may enter any Place, and demand Sight of Licence.

XXXVIII. And be it further enacted, That it shall be lawful for any Magistrate, High or Chief Constable, Peace Officer, or Officer of Excise or Stamps, to enter in the Day-time into any House, Shop, Store Room, or other Building, or Booth or Shed, Hut, Tent, or Stall, whereon or before which shall be affixed any Board importing that Spirituous Liquors, Wine, Beer, Ale, or Cyder are sold therein, and to demand a View of the Licence for such Sale; and if no sufficient Licence shall be produced on such Demand, the Occupier of such Shop, Store Room, House, or other Building, Booth, Shed, Hut, Tent, or Stall, shall be deemed an unlicensed Retailer, and forfeit accordingly as such, unless he or she shall, within Twenty-four Hours after a Magistrate shall make such Demand, or within Twenty-four Hours after Complaint shall be made to any Magistrate of the Refusal to produce such sufficient Licence, produce the same to the Magistrate who shall have made such Demand, or shall summon him or her on such Complaint.

Magistrates or Revenue Officers may seize Spirits exposed to sale at any Place of public Meeting, except licensed Houses.

XXXIX. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, Chief or High Constable, or Officer of the Revenue of Customs or Excise or Stamps, to search for and make Seizure of any Spirituous Liquors, Wine, Beer, Ale, or Cyder, which he shall find in any House or other Building, or any Booth, Shed, Hut, Tent, or Stall, whereon or before which such Board shall be affixed; and if the Occupier of the same shall fail to produce a Licence in force, authorizing him or her to sell Spirituous Liquors, all Spirituous or other Liquors therein, and also all Spirituous or other Liquors which shall be in any House belonging to or occupied by any Person who shall have been a Second Time convicted of selling Spirituous or other Liquors without Licence, and also all Spirituous or other Liquors exposed to Sale at any Fair, Patron Market, Hurling Match, Horse Race, or any Place of publick Meeting, except in Houses licensed for that Purpose, and except where a Special Licence shall be given in respect to any Sale thereof at any Fair or Encampment as is herein provided, together with all Vessels containing the same, and all Vessels used for measuring and drinking the same, shall be forfeited and may be seized; and every Person selling or exposing to Sale any Spirituous Liquors, Wine, Beer, Ale, or Cyder, at any such Fair, Patron Market, Horse Race, Hurling Match, or other Place of publick Meeting, except in Houses or Places licensed for that Purpose, shall, upon View of any Magistrate, or upon being convicted thereof before any Magistrate, be subject to the like Penalties and Forfeitures as a Person selling Spirituous Liquors without Licence.

Magistrates may destroy Spirits hawked

XL. And be it further enacted, That it shall and may be lawful for any Magistrate, Justice of the Peace, or other Peace Officer, or any Officer of the

the Revenue of Cuſtoms or Exciſe or Stamps, in *Ireland*, to ſeize and take away, or to deſtroy or cauſe to be ſeized, taken away, and deſtroyed, all ſuch Spirituous Liquors which ſhall be hawked about or expoſed to Sale in any Street, Pathway, Road, Field, or in any Booth, Tent, Stall, Shed, or Bulk, or by any Perſon not licenſed to ſell the ſame in ſuch Place, and the Veſſels containing the ſame, and all Veſſels and Utenſils uſed for meaſuring or drinking the ſame found therewith; and it ſhall be lawful for any Magiſtrate or Juſtice of the Peace for the City or Place in *Ireland* wherein ſuch Offence ſhall be committed, in his or their own View, or on Confeſſion of the Party, or by Proof of ſuch Offence by the Oath of One or more credible Witneſs or Witneſſes, to convict any Perſon ſo offending, and to order him, her, or them to be put in the Stocks for the Space of One Hour; and the Juſtice or Juſtices by whom ſuch Perſon ſhall have been ſo convicted, ſhall, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, commit the Offender or Offenders to Gaol, there to remain for any Time not exceeding One Calendar Month from the Day of ſuch Commitment.

or ſold by Perſons not licenſed.

XLI. And be it further enacted, That it ſhall and may be lawful for any Juſtice of the Peace in *Ireland*, to ſummon any Perſon charged with having ſold Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail, without Licence, or charged with any other Offence againſt this Act, to appear before him, and if the Charge be for ſelling of any ſuch Liquors without Licence, to require, by the Summons to be iſſued, the Perſon ſummoned to bring with him or her, and to produce a Licence for ſelling Spirituous Liquors; and in caſe ſuch Perſon ſhall not appear, upon Proof made of the Service of ſuch Summons, or if ſuch Perſon ſhall appear, and ſhall not produce a Licence authorizing him or her to ſell by Retail Spirituous Liquors, then ſuch Juſtice or Magiſtrate ſhall examine ſuch Witneſs or Witneſſes upon Oath as ſhall appear before him, which Oath ſuch Juſtice or Magiſtrate is hereby empowered to adminiſter; and if Proof ſhall be made before ſuch Juſtice or Magiſtrate, or if it ſhall appear by the Confeſſion of the Party, that ſuch Perſon did ſell any of ſuch Liquors by Retail within Six Months previous to the iſſuing of ſuch Summons, then ſuch Juſtice or Magiſtrate ſhall convict the Perſon charged with having ſold ſuch Liquors without Licence, of ſuch Offence; and every Conviction ſhall be drawn up in the following Form of Words, or in any other Form of Words to the ſame Effect, according to the Nature of the Caſe; that is to ſay;

Magiſtrates may ſummon Perſons charged with Offences againſt this Act.

County of } ‘ *A. B.* is convicted on his or her own Confeſſion [*or*, on the
} ‘ Oath of] of having ſold Spirituous
‘ Liquors, Wine, Beer, Ale, or Cyder, *as the Caſe may be*, in the Pariſh
‘ [Townland, or Town, *as the Caſe may be*] of in this
‘ County, on the Day of without being
‘ duly licenſed thereto. Given under my Hand and Seal, this
‘ Day of

Form of Conviction.

And ſuch Magiſtrate or Juſtice ſhall thereupon iſſue a Warrant under his Hand and Seal, to levy ſuch Fine or Penalty as the Perſon ſo convicted ſhall be ſubject to in reſpect of the Offence of which he or ſhe was ſo convicted, by Diſtreſs and Sale of the Goods of ſuch Perſon, and to commit the Body of ſuch Offender to Gaol in ſuch Caſes as by this Act the Offen-

Magiſtrates ſhall thereupon iſſue Warrants.

der may be so committed; and the Informer or Prosecutor shall be deemed a competent Witness to prove the Offence.

Magistrates may summon Witnesses, who not appearing, or refusing to give Evidence, shall forfeit 10l.

XLII. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, or other Magistrate, to summon any Person to appear before him to give Evidence of the selling of Spirituous Liquors, Wine, Beer, Ale, or Cyder, by any Person not having a Licence to retail Spirituous Liquors; and if any Person who shall be summoned as a Witness for the Purpose aforesaid, shall neglect or refuse to appear to such Summons, or appearing shall refuse to give his or her Testimony, every such Person shall, for every such Neglect or Refusal, forfeit the Sum of Ten Pounds *British* Currency, for the Use of the Poor of the Parish in which such Person shall dwell; and in case of Non-payment thereof, such Justice or Magistrate shall issue a Warrant under his Hand and Seal to levy such Sum, by Distress and Sale of the Goods and Chattels of such Person; and for Want of Effects sufficient to answer such Sum, shall issue a like Warrant to commit to the House of Correction or County Gaol the Person so offending, there to remain without Bail or Mainprize, for the Space of One Calendar Month.

Appeal.

XLIII. And be it further enacted, That if any Person shall think himself or herself aggrieved by the Determination of any such Magistrate or Justice of the Peace, it shall and may be lawful for such Person to appeal to the next Sessions of the Peace, or Adjournment thereof, for the County, City, or Town in *Ireland* where such Person was convicted, and not afterwards; and the Determination of the Justices at such Sessions shall be final and conclusive, and no *Certiorari* shall be allowed for the Removal thereof: Provided always, that no such Judgement or Conviction shall be reversed for any Informality, Imperfection, or Defect in Form.

Appeal of unlicensed Person not to stay Execution, unless Bond be entered into.

XLIV. And be it further enacted, That where any Person shall be convicted of any Offence against this Act as an unlicensed Retailer of Spirituous Liquors, no Appeal to be brought by any such Person shall stay or prevent the Execution of any Warrant or Process for the Seizure of any Goods or Chattels of, or of Committal of such Person, unless such Person shall, with Two sufficient Sureties, have entered into a Bond to His Majesty, His Heirs and Successors, in a penal Sum equal to Double the Amount of the Fine so incurred, conditioned to pay the Fine imposed on such Person in case the Judgement or Conviction for the same shall be affirmed, with all Costs attending such Appeal, which Bond shall be entered into before the Clerk of the Peace, before such Appeal shall be lodged or received.

Justices to certify to Clerks of the Peace when Condition of Bonds are violated, etc.

XLV. And be it further enacted, That if any Justice of the Peace in *Ireland* shall certify to the Clerk of the Peace, by sending the Record of the Conviction, that Proof has been made before him, that any Condition in any of the Bonds herein-before required to be entered into by any Person licensed to sell Spirituous Liquors, Wine, Ale, Beer, and Cyder, has been violated, specifying such Condition and the Violation thereof, such Clerk of the Peace shall thereupon transmit such Certificate, together with a Copy of the Conviction, and the Bond of the Person offending, to the Commissioners of His Majesty's Stamp Duties in *Ireland*; and the said Commissioners shall forthwith put or cause such Bond to be put in Suit.

XLVI. And

XLVI. And, for preventing drinking at unſeaſonable Hours, and the harbouring of ſuſpected Perſons in Houſes where Spirituous Liquors ſhall be ſold; be it further enacted, That it ſhall be lawful for any Magiſtrate, Chief or High Conſtable, to enter any ſuch Houſe, and to remove all Perſons drinking therein between the Hours of Twelve at Night and Sunriſe in the Morning, on any Day of the Week, or drinking therein at any Hour whatever on *Sunday;* and if any Perſon ſelling Spirituous or other Liquors by Retail, ſhall not, on Demand of Entrance by knocking or otherwiſe, ſo as to be heard within, admit ſuch Magiſtrate, Chief or High Conſtable, into ſuch Houſe, or after Admittance ſhall obſtruct any of them in removing Perſons drinking therein, ſuch Perſon, upon Proof thereof to the Satisfaction of any Magiſtrate, upon Oath, or upon View thereof by ſuch Magiſtrate, ſhall forfeit for every ſuch Offence the Sum of Five Pounds *Britiſh* Currency, to be paid to the Informer or Proſecutor; and in Default of Payment thereof, the Perſon ſo offending ſhall be committed to Gaol until ſuch Fine ſhall be paid.

Magiſtrates or Conſtables may remove Perſons drinking after a certain Hour.

Penalty on Perſons obſtructing Magiſtrates.

XLVII. And be it further enacted, That the Juſtices of the Peace before whom any Perſon licenſed for the Sale of Spirituous Liquors, Wine, Beer, Ale, and Cyder, ſhall have been a Second Time convicted of entertaining Perſons in his or her Houſe, not being Inmates of ſuch Houſe, at unreaſonable Hours, ſhall certify under his Hand and Seal to the Commiſſioners for managing the Stamp Duties in *Ireland*, that ſuch Perſon has ſo been a Second Time convicted, and upon Receipt of ſuch Certificate, the ſaid Commiſſioners ſhall cauſe the Bond entered into by ſuch Perſon ſo licenſed to be put in Suit; and ſuch Certificate ſhall, if produced on any Trial relative to ſuch Bond, be concluſive Evidence of the Breach of the Condition of ſuch Bond.

Magiſtrates to certify Perſons twice convicted to Commiſſioners of Revenue.

XLVIII. And be it further enacted, That no Perſon ſhall have any Remedy for, or recover any Sum of Money on Account of, any Spirituous Liquors, Wine, Beer, Ale, or Cyder, ſold knowingly to an unlicenſed Retailer of Spirituous or other Liquors in *Ireland*, nor ſhall any ſuch unlicenſed Retailer have any Remedy for or recover from any Perſon any Sum of Money on Account of any Spirituous or other Liquors ſold by ſuch unlicenſed Retailer; and all Promiſſory Notes, Bonds, or other Writings given as a Security for the Payment of Debts contracted for any ſuch Spirituous or other Liquors ſo ſold to an unlicenſed Retailer of Spirituous Liquors, or ſo ſold by an unlicenſed Retailer, are hereby declared to be null and void.

Money for Liquors ſold to or by unlicenſed Perſons, not to be recoverable.

XLIX. And be it further enacted, That all Forfeitures under this Act, exceeding the Sum of Twenty Pounds, touching which no ſpecial Proviſion is hereby enacted, ſhall be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record in *Ireland*, by any Perſon who will ſue for the ſame, in which no Eſſoign, Protection, Wager of Law, nor more than One Imparlance, ſhall be allowed; and that all Monies recovered thereby ſhall be applied as to One Half thereof, after deducting all the Expences of proſecuting and recovering the ſame, to the Uſe of the Perſon ſuing for the ſame, and as to the other Half thereof, to the Uſe of the Infirmary of the County, or County of a Town, or City, wherein ſuch Forfeiture ſhall have been incurred; and if in the Diſtrict of the Metropolis, to the Uſe of the Governor of the Hoſpital and Free-School of King *Charles* the Second in *Dublin*, commonly called *The Blue Boys Hoſpital.*

Recovery and Application of Penalties exceeding 20l.

Recovery and Application of other Penalties.

L. And be it further enacted, That all Fines impoſed by virtue of this Act, for any Neglect of Duty in any Officer, ſhall be eſtreated into His Majeſty's Exchequer by the Juſtices or Juſtice impoſing the ſame; and that all Convictions for any Offence againſt this Act, reſpecting which no ſpecial Proviſion is enacted, ſhall be made in a ſummary Way before any One Juſtice of the Peace, upon Confeſſion of the Party, or Proof upon the Oath of any One credible Witneſs; and that the Penalty, Fine, or Forfeiture under ſuch Conviction, ſhall be levied by Diſtreſs and Sale of the Goods of the Offender, or if not paid, the Offender ſhall be committed to Gaol by ſuch Juſtice, for any Time not exceeding the Rate of One Month for every Five Pounds of the Sum which ſuch Penalty, Fine, or Forfeiture may amount to; and that all Sums which ſhall be levied or paid on Account of any Fines, Penalties, or Forfeitures under this Act, not particularly applied by this Act (except ſuch as ſhall be eſtreated into His Majeſty's Exchequer) ſhall be applied, after deducting all Expences for levying the ſame, as to One Half thereof to the Informer, and as to the other Half, to the Poor of the Pariſh wherein the Conviction ſhall be made.

Fine for ſelling Spirits without a Licence not to be abated.

LI. And be it further enacted, That whenever any Fine, Penalty, or Forfeiture ſhall be adjudged againſt any Perſon in purſuance of this Act, for ſelling Spirituous Liquors without Licence, the ſame ſhall not be abated or mitigated.

Juſtices of Counties and Cities may convict Offenders in their Juriſdictions.

LII. And be it further enacted, That all Juſtices of the Peace for any County in *Ireland*, adjoining to or within which any County of a City is ſituated, ſhall be empowered, and they are hereby authorized and enabled to act in ſuch County of a City (ſave and except the City and County of the City of *Dublin*) as fully to all Intents and Purpoſes, as if they were Magiſtrates within ſuch County of a City, ſo far only as ſhall relate to convicting and levying the Penalties inflicted by this Act on all Perſons who ſhall ſell Spirituous or other Liquors without Licence in *Ireland*, contrary to the Intent and Meaning of this Act.

Penalty on Magiſtrates or other Perſons taking Fees.

LIII. And be it further enacted, That no Fee or Reward ſhall be taken by any Magiſtrate or his Clerk, or other Perſon acting under him, for any Thing done or ordered by them in the Execution of this preſent Act, other than what is herein particularly authorized, under Pain of forfeiting the Sum of Five Pounds *Britiſh* Currency, to be recovered by Civil Bill by any Perſon ſuing for the ſame.

Penalties on Magiſtrates neglecting to perform the Proviſions of the Act.

LIV. And be it further enacted, That any Juſtice of the Peace or Magiſtrate in *Ireland*, who ſhall neglect or refuſe in any Inſtance to carry this Act into Execution, upon a proper Application made to him, ſhall forfeit the Sum of Fifty Pounds *Britiſh* Currency for every ſuch Neglect or Refuſal, to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court of Record in *Ireland* by the Perſon who ſhall have made ſuch Application, in which no Eſſoign, Protection, Wager of Law, nor more than One Imparlance ſhall be allowed; the Money recovered by ſuch Action to be applied as to One-half thereof to the Uſe of the Perſon ſuing for the ſame, and the other Half to be paid to the Miniſter, Rector, or Churchwarden of the Pariſh wherein ſuch Juſtice of Peace or Magiſtrate ſhall reſide, for the Uſe of the Poor therein.

LV. And

And be it further enacted, That if any Perſon ſhall buy or obtain for any Conſideration given or to be given, any Spirituous Liquors in leſs Quantity than Four Gallons in any Houſe in *Ireland*, not having affixed thereon ſuch Board ſo painted, and in ſuch Manner as is preſcribed by this Act, or if any Perſon ſhall buy or obtain for any Conſideration given or to be given any Beer or Ale in leſs Quantity than One Quarter of a Barrel, in any Houſe not having affixed thereon ſuch Board ſo painted, and in ſuch Manner, unleſs ſuch Houſe be the Houſe of a Seller of Bottled Beer, Ale, or Porter, who ſhall ſend the ſame abroad, and ſhall not ſell any to be conſumed in his or her Houſe; every ſuch Perſon ſhall for every ſuch Offence, upon being convicted thereof before any Magiſtrate upon the Oath of One credible Witneſs, or by his own Confeſſion, or on the View of ſuch Magiſtrate, forfeit the Sum of Two Pounds *Britiſh* Currency; and in caſe of Non-payment thereof, ſhall be committed to Gaol, there to remain for One Calendar Month or until the ſaid Penalty ſhall be paid. Penalty on Perſons buying a leſs Quantity of Spirits than Four Gallons, or of Beer leſs than one Quarter of a Barrel, not having a painted Board.

LVI. And be it further enacted, That if any Diſtiller, or other Dealer in Spirits in *Ireland*, ſhall knowingly ſell any Spirits to an unlicenſed Retailer, or to any Perſon for the Uſe of an unlicenſed Retailer, ſuch Diſtiller or Dealer in Spirits ſhall for every ſuch Offence forfeit the Sum of Ten Pounds *Britiſh* Currency. Penalty on Diſtillers ſelling Spirits to unlicenſed Retailers.

LVII. And be it further enacted, That no Diſtiller or wholeſale Dealer in Spirits, or any other Perſon, ſhall be entitled to maintain any Cauſe, Action, or Suit for or to recover, either in Law or Equity, any Sum of Money or Demand for or on account of any Spirits ſold to any Perſon ſelling Spirits by Retail without Licence in *Ireland*; and in caſe ſuch Diſtiller or wholeſale Dealer in Spirits, or other Perſon, ſhall ſell any Spirits to ſuch unlicenſed Retailer, knowing him to be ſuch, ſuch unlicenſed Retailer may recover back all ſuch Money as he ſhall have paid for any ſuch Spirits ſo ſold by Civil Bill or otherwiſe from ſuch Diſtiller or wholeſale Dealer. Diſtillers not to recover from unlicenſed Retailers, &c.

LVIII. And be it further enacted, That no Perſon ſhall be entitled unto or ſhall maintain any Cauſe, Action, or Suit, for or recover either in Law or Equity, any Sum of Money or Demand, for or on account of any Spirituous Liquors ſold in *Ireland*, unleſs ſuch Debt ſhall have been really and *bonâ fide* contracted at one Time to the Amount of Twenty Shillings *Britiſh* Currency at the leaſt, nor where any Part of the Liquors ſold or delivered ſhall have been returned, or agreed to be returned directly or indirectly, nor ſhall any particular Article or Item in any Account or Demand for Spirituous Liquors ſo ſold be allowed or maintained, where the full Value of the Liquors delivered at One Time and mentioned in ſuch Article or Item ſhall not be Twenty Shillings *Britiſh* Currency at the leaſt, and that without Fraud or Covin; and in caſe any Perſon ſhall take or receive any Pawn or Pledge from any Perſon by way of Security for the Payment of any Sum or Sums of Money owing by ſuch Perſon for Spirituous Liquors, every ſuch Perſon ſo offending, and being convicted thereof, before any Magiſtrate or Juſtice of the Peace, ſhall forfeit the Sum of Forty Shillings *Britiſh* Currency for every Pawn or Pledge ſo taken in or received by him or them; and the Perſon or Perſons to whom any ſuch Pawn or Pledge No Money to be recovered for Spirits unleſs the Debt incurred amount to 20 s. contracted at one Time.

ſhall belong ſhall have the ſame Remedy for recovering ſuch Pawn or Pledge, or the Value thereof, as if it had not been given as a Pledge.

Penalty on Perſons agreeing to pay Workmen etc. partly in Money and partly in Spirits.

LIX. And be it further enacted, That if any Perſon in *Ireland* ſhall agree to pay or ſhall pay any Journeyman, Workman, Servant, Labourer, or other Perſon, employed by or working under him or her, or under his or her Direction, ſo much Money for Wages and ſuch a Quantity of Spirituous Liquors in lieu of the Wages, or any Part thereof, which ſhall be ordinarily and uſually paid for the Work which ſuch Journeyman, Servant, Labourer, or other Perſon ſhall be employed in, or ſhall agree to pay or ſhall pay ſuch Wages partly in Money and partly in or by Spirituous Liquors, or ſhall ſet off, ſtop, or deduct all or any Part of the Wages or Hire due to any Journeyman, Workman, Servant, or Labourer for any Spirituous Liquors delivered or ſold to or drank by him, every ſuch Perſon ſo offending ſhall, for every ſuch Offence, upon being convicted thereof before any Magiſtrate or Juſtice of the Peace, forfeit the Sum of Forty Shillings *Britiſh* Currency; and every Perſon giving, or procuring Credit to be given for Spirituous Liquors ſold or drank as aforeſaid, ſhall forfeit Five Pounds *Britiſh* Currency.

Penalty on Perſons paying Workmen, etc. at publick Houſes.

LX. And be it further enacted, That no Perſon in *Ireland* employing Journeymen, Workmen, Servants, or Labourers, ſhall by himſelf or by any other Perſon pay any Journeyman, Workman, Servant, or Labourer employed by him, the Whole or any Part of the Wages due to ſuch Journeyman, Workman, Servant, or Labourer, in or at any Houſe in which any Spirituous Liquors, Wine, Ale, Beer, or Cyder ſhall be ſold by Retail; and every Perſon ſo offending ſhall for every ſuch Offence, upon being convicted thereof before any Magiſtrate or Juſtice of the Peace, forfeit the Sum of Ten Pounds *Britiſh* Currency; and all Payments of all Wages made in Manner aforeſaid ſhall be null and void.

Magiſtrates may annul Licenſes.

LXI. And be it further enacted, That it ſhall be lawful for any Two Juſtices of the Peace in *Ireland*, or the Superintendant Magiſtrate in the City of *Dublin*, to annul any Licence granted to any Perſon or Perſons for retailing Spirituous Liquors, Wine, Beer, Ale, and Cyder in *Ireland*; and if any Perſon whoſe Licence ſhall be ſo annulled, on whom a Notice of the ſame being annulled, ſigned by ſuch Magiſtrates or Magiſtrate, ſhall have been ſerved, ſhall retail any ſuch Spirituous or other Liquors, every ſuch Perſon ſhall be ſubject to the ſame Penalties as Perſons ſelling Spirituous or other Liquors without having obtained a Licence for that Purpoſe are liable to under this Act.

Penalty on Townland when Parties are convicted of unlicenſed Sales.

LXII. And be it further enacted, That in every Conviction made of any Perſon having ſold Spirituous Liquors, Wine, Beer, Ale, or Cyder, without being licenſed thereto under the Authority of this Act, the Pariſh or, in caſe it be extraparochial, the Townland or Town in which the Houſe or Place where the ſame ſhall have been ſold ſhall be ſituated, ſhall be ſtated in ſuch Conviction, and ſuch Pariſh, Townland, or Town, in caſe aforeſaid, ſhall be ſubject to a Fine of Twenty Pounds, *Britiſh* Currency, over and above all Fines incurred by the Perſons convicted of ſelling without Licence as aforeſaid, ſave only in Caſes where ſuch Conviction ſhall have been made of ſuch illegal Sale upon the Information of any Inhabitant or Inhabitants of ſuch Pariſh or Townland.

Recovery of Fines on Townland.

LXIII. And be it further enacted, That whenever and ſo often as any Conviction of any Perſon for ſelling Spirituous Liquors, Wine, Beer, Ale, or Cyder, without any Licence according to this Act, ſhall be had or made by or before any Juſtice or Juſtices of the Peace, ſuch Juſtice or Juſtices ſhall forthwith cauſe Notice of ſuch Conviction to be poſted up in ſome conſpicuous Place in the Pariſh or Townland or Town, in caſe aforeſaid, in which the Offence ſhall be committed, and ſhall alſo cauſe a like Notice of ſuch Conviction to be ſerved on Two Landholders therein; and ſuch Juſtice or Juſtices ſhall alſo return ſuch Conviction to the Clerk of the Crown at or before the next enſuing Aſſizes or preſenting Term, and the ſaid Clerk of the Crown ſhall lay every ſuch Conviction before the Court at the ſaid enſuing Aſſizes or preſenting Term, and if it ſhall appear to the Court that ſuch Notice of ſuch Conviction was poſted up and ſerved in Manner aforeſaid Twenty Days at the leaſt previous to the Commiſſion Day of ſuch Aſſizes, or Firſt Day of ſuch preſenting Term, and if it ſhall not appear to the Court that the Conviction was made on the Information of any Inhabitant or Inhabitants of ſuch Pariſh, Townland or Town, it ſhall be lawful for the Court, in caſe any Perſon ſhall appear to controvert the Fact of the Pariſh, Townland or Town, mentioned in ſuch Conviction, being the Pariſh, Townland or Town wherein the Offence was committed, to try the Fact in the ſame Manner as in the Trial of a Traverſe to the Preſentment of a Grand Jury; and if a Verdict ſhall be given agreeable to the Conviction, or if no Perſon ſhall appear to controvert as aforeſaid, the Court ſhall direct the Treaſurer of the County to order the Fine of Twenty Pounds thereby incurred, to be levied off the Pariſh, Townland or Town, in caſe aforeſaid mentioned in ſuch Conviction, by the Collector of the Grand Jury Ceſs in like Manner, with like Powers, Authorities, and Remedies, in caſe of Non-payment thereof, or of any Part thereof, as are provided in reſpect to any Money to be levied under the Preſentment of a Grand Jury; and all Money which ſhall be ſo levied ſhall be paid by the ſaid Treaſurer to the Governors of the County Infirmary therein, to be by them applied in aid of their other Funds towards ſupporting the ſame, or towards building or maintaining One or more Wards for Lunaticks or Inſane Objects.

Licences for Dublin to be iſſued by Collector.

LXIV. Provided always, and be it enacted, That all Licences for the Sale of Spirituous Liquors in the City or County of the City of *Dublin*, or within the Circular Road ſurrounding the ſaid City, and the Space of Five hundred Yards from the Centre of the ſaid Road, at the Outſide thereof, ſhall be iſſued by the Clerk of the Peace for the City and County of the City of *Dublin*, upon the Order of the Lord Mayor, and in every other Place within the Diſtrict of Five Miles, beyond the ſaid Circular Road and the Wall of the *Phœnix Park*, not being in the County of the City of *Dublin*, ſhall be iſſued by the Clerk of the Peace for the County of *Dublin*, upon the Order of any Two Magiſtrates of the ſaid County; and upon ſuch Oath and Bond being given and entered into, and ſuch other Requiſites complied with by the Perſons to whom ſuch Licences ſhall be granted as are herein-before mentioned and expreſſed, except ſo far as ſuch Requiſites are herein-after otherwiſe provided for.

Perſons applying for Licences to obtain Certificates from Superintend-

LXV. Provided always, and be it further enacted, That no Licence ſhall be granted to any Perſon to ſell Spirituous Liquors by Retail in the City of *Dublin*, or within the Circular Road ſurrounding the ſaid City, or

ant Magiſtrate in Dublin, by whom Sureties ſhall be approved of.

or within the ſaid Diſtrict of the Metropolis of *Dublin*, unleſs the Perſon applying for ſuch Licence ſhall obtain a Certificate from the Superintendant Magiſtrate for the Time being, that ſuch Perſon applying for a Licence is a proper Perſon to be licenſed, nor unleſs the Perſons who ſhall be propoſed to be Sureties for the Perſon applying for a Licence be named in ſuch Certificate, and therein approved of by ſuch Superintendant Magiſtrate.

Pariſhioners may appoint Overſeers in each Pariſh in Dublin, who ſhall have the ſame Power as Conſtables.

LXVI. And be it further enacted, That it ſhall be lawful for the Pariſhioners of the ſeveral Pariſhes of the City of *Dublin* or Liberties thereof, at Veſtry aſſembled, twice in every Year, or oftener if neceſſary, to appoint ſuch Number of Perſons as to them ſhall ſeem meet, to be Overſeers of Houſes licenſed for Sale of Spirituous or other Liquors within every ſuch Pariſh reſpectively; and the Overſeers ſo appointed ſhall have like Powers and Authorities for entering ſuch Houſes as Conſtables and other Peace Officers have by virtue of this Act, and the Perſons not admitting ſuch Overſeers ſhall be ſubject to like Penalties as Perſons not admitting Magiſtrates or High Conſtables are ſubject to by this Act; and in caſe they ſhall find any Perſons, not being Inmates of ſuch Houſes, entertained therein between the Hours of Twelve at Night and Seven in the Morning on any Day of the Week, except *Sunday*, or at any Time whatever on a *Sunday*, any Three or more of ſuch Overſeers ſhall certify under their Hands and Seals to a Juſtice of the Peace for the County or City of *Dublin* that Perſons were entertained in ſuch Houſe at ſuch unſeaſonable Hours, or on a *Sunday*, as the caſe may be, and thereupon ſuch Juſtice ſhall ſummon the Parties accuſed, and unleſs the Parties ſummoned ſhall make it appear to the Satisfaction of ſuch Juſtice of the Peace that the Perſons found therein were Inmates of the Houſe where they were ſo found, ſuch Certificate ſhall be concluſive Evidence to ſubject the Perſons licenſed for the Sale of Spirituous Liquors to a Penalty of Forty Shillings *Britiſh* Currency for the Firſt Offence, and for the Second Offence to the Sum of Five Pounds *Britiſh* Currency; and in Default of Payment of ſuch Penalty, ſuch Juſtice of the Peace may iſſue his Warrant for the Diſtreſs and Sale of the Goods of the Perſon on whom ſuch Penalty ſhall be impoſed; provided that no Perſon dealing in Spirituous Liquors ſhall vote at any ſuch Veſtry, nor be appointed an Overſeer.

Spirit Dealers not to vote in Veſtry.

Allowance of Duty to Retailers.

LXVII. And, for the Encouragement of the Breweries, be it further enacted, That if any Perſon licenſed as aforeſaid in the Cities of *Dublin*, *Cork*, *Waterford*, and *Limerick*, ſhall make it appear to the Satisfaction of the Commiſſioners of Exciſe by the Affidavit of ſuch Perſon, and by the Certificate of the Brewer by whom ſuch Beer ſhall have been ſold to ſuch Retailer, or by his Books, and the Permits received with Spirituous Liquors, or by ſuch other Evidence as they ſhall require, that ſuch Perſon has ſold by Retail in the Houſe or Houſes wherein ſuch Perſon ſhall have been licenſed to ſell Spirituous Liquors, Wine, Beer, Ale, and Cyder, within the Year ending the Twenty-ninth Day of *September* One thouſand eight hundred and five, or within any ſubſequent Year, Strong Beer or Ale, in the Proportion of One Barrel of Ale or Strong Beer for each Three Gallons of Spirituous Liquors ſold therein or thereat during the ſaid Year, it ſhall and may be lawful for the Commiſſioners of Exciſe, and they are hereby required to give to every ſuch Perſon a Certificate ſtating the Quantities of Strong Beer, Ale, and Spirituous Liquors ſold during ſuch Year

by such Retailer, and that such Retailer has proved himself or herself, to the Satisfaction of the said Commissioners, entitled to a Bounty of (naming the Sum) under the Provisions of this Act; and every Retailer receiving such Certificate shall be entitled to, and shall receive from the Commissioners for managing the Stamp Duties out of any Revenue by them collected, a Bounty after the Rate following; (that is to say) if such Retailer shall have sold by retail Seventy-five Barrels of Strong Beer or Ale within the Year, a Bounty equal in Amount to One Sixth Part of the Stamp Duties paid by such Retailer on his or her Licence, and if One hundred Barrels, a Bounty equal to One Fifth Part of such Duties, and if Two hundred Barrels or more, a Bounty equal to One Third Part of such Duties.

Bounties for Sale of Beer by Retail to be paid by Collectors on Order of Commissioners of Excise.

LXVIII. And whereas several Retailers of Spirituous Liquors, Wine, Beer, Ale, and Cyder, may have been entitled to a Reduction of the Duties to be paid by them for Licences for the Year next ensuing after the Twenty-ninth of *September* One thousand eight hundred and four, in respect of the Quantities of Strong Beer or Ale sold by them by Retail in the said Cities of *Dublin*, *Cork*, *Waterford*, or *Limerick*, during the Year ending on the said Twenty-ninth of *September* One thousand eight hundred and four, and have not received the same; be it enacted, That the Commissioners of Excise shall make due Enquiry into the Claims of all such Persons to such Deductions, and whenever it shall appear to them that all the Requisites required by Law to entitle such Persons to such Deductions have been duly performed, it shall be lawful for them, and they are hereby required to order the Collectors of Excise in the said several Cities respectively to pay to such Person, out of any Revenue in their Hands, a Bounty equal to the Amount of such Deductions respectively, all which Payments shall be allowed to the said Collectors in their Accounts.

Retailers furnished with Abstracts shall keep them posted up.

LXIX. And be it further enacted, That every Person who shall be licensed to sell Spirituous or other Liquors by Retail under this Act, shall be furnished by the Collector in whose District such Person shall reside, or by the Clerk of the Peace, with a printed Abstract of the Regulations in this Act contained, respecting the Conduct or Duty of Retailers, and shall cause such Abstract to be hung up or posted in the most publick Part of the House of such Person, and shall preserve and keep the same so hung up or posted during the Time such Person shall continue to sell Spirituous Liquors by Retail, or in Default thereof shall for every Day in which such Abstract shall at any Time be omitted to be so hung up or posted, upon Proof thereof before any Magistrate or Justice of the Peace, forfeit the Sum of Five Shillings *British* Currency; and such Fine, when levied, shall be paid One Moiety to the Prosecutor, and the other Moiety to the Churchwardens of the Parish, for the Use of the Poor thereof.

Compensation to Collectors for Loss of Fees.

LXX. And whereas in consequence of the Alteration in the Mode of collecting the Duty on Licences to Retailers, under this Act, the Collectors of Excise in the several Districts will lose the Fees and Sums of Money heretofore payable to them thereon: Be it therefore enacted, That during such Time as the several Persons who hold the Office of Collectors of Excise in their respective Districts in *Ireland* on the Twenty-ninth of *September* One thousand eight hundred and four, shall continue to hold and enjoy the same, it shall and may be lawful for the Commissioners of Excise

wise to pay to such Collectors respectively, or by an Order under the Hands of such Commissioners, to allow such Collectors to deduct and retain out of any Money in their Hands such Sum and Sums of Money as shall appear to the said Commissioners, in consequence of the Returns herein required to be made by the several Clerks of the Peace in Manner aforesaid, to be equal to the Sum or Sums of Money which such Collectors would respectively have been legally entitled to have received on the granting of all such Licences within their respective Districts, in case the Duty on such Licences had been continued to be paid to such Collector in Manner directed by any Act or Acts relative to such Licences in force, in *Ireland*, before the said Twenty-ninth of *September* One thousand eight hundred and four.

One Justice may administer Oaths.

Perjury.

LXXI. And it further enacted, That it shall be lawful for any Justice of the Peace, within his Jurisdiction, to administer any Oath or Oaths prescribed or required by this Act; and that if any Person who shall take any such Oath shall wilfully and knowingly swear falsely therein, every such Person being duly convicted thereof shall suffer the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are or shall be subject.

Retailer to keep a daily Account of Spirits sold, and Stock to be taken.

LXXII. And be it further enacted, That every Retailer shall daily enter in a Book to be kept by such Retailer the Quantity and Quality of Spirituous Liquors sold by such Retailer during that Day; and that it shall and may be lawful for any Surveyor of Excise, or any Officer or Officers of Excise, of the District in which any such Retailer shall reside, from Time to Time, and at all seasonable Hours in the Daytime, to enter into all or any of the Houses, Warehouses, Storehouses, Shops, Cellars, Vaults, and Rooms of any such Retailer, and into any Place where any Spirituous Liquors, Wine, Beer, Ale, or Cyder, belonging to any such Person shall be, and to take an Account of the Quantity of all Spirituous Liquors, Wine, Beer, Ale, and Cyder contained in any such House, Warehouse, Shop, or other Place respectively, and to demand the Book herein-before mentioned in order to examine or take Copies or Extracts thereof; and if any such Officer or Officers of Excise shall not, on Demand made by him or them, at any such House, Warehouse, Shop, or other Place, be admitted therein, or shall not be suffered to take such Accounts as aforesaid, or if any Person so licensed shall neglect or refuse to produce such Book to such Officer, or to shew or cause to be shewn to such Officer all the Spirituous Liquors, Wine, Beer, Ale, or Cyder in every such House, Shop, Warehouse, or other Place, every Retailer offending therein, or neglecting to keep such Book, and to make true and faithful Entries therein of all Spirituous Liquors sold by such Retailer by Retail, shall for every such Offence forfeit the Sum of Twenty Pounds *British* Currency; and if such Retailer shall offend therein a Second Time during the Continuance of his or her Licence, such Licence shall from and after the Second Conviction be null and void.

Limitation of Actions.

LXXIII. And be it further enacted, That in case any Action or Suit shall be brought or commenced against any Person or Persons for any Matter or Thing by him or them done or executed by virtue of or in pursuance of this Act, such Action or Suit shall be commenced within Three Months next after the alledged Cause of Action shall accrue, and

shall be laid in the proper County where such alledged Cause of Action shall have arisen or begun, and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of and by the Authority of this Act; and if a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Prosecution, or Judgement shall be given against him, her, or them upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them against such Plaintiff or Plaintiffs. General Issue. Treble Costs.

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