ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

CAP. LXX.

An Act to amend an Act, made in the last Session of Parliament, for regulating Licences for the Sale of Spirituous Liquors, Wine, Beer, Ale, and Cyder, by Retail, in *Ireland*. [3d *July* 1806.]

WHEREAS an Act was made in the last Session of Parliament, intituled, *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: And whereas it is by the said recited Act amongst other Things enacted, that no Keeper of any Turnpike Gate, Non-commissioned Yeoman Officer, nor any Person exercising by himself, or by any One for his Use or Benefit, the Trade or Business of a Grocer, or who shall be licensed as a Gro[illegible], or in whose House, or in any Building occupied by him or her, or [illegible]y House or Building adjoining thereto, and which shall communicate [illegible]uch House or Building, the Trade or Business of a Grocer shall be carried on, or who shall not be a Victualler, Innkeeper, or Tavern Keeper, shall be capable of receiving a Licence to sell Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as is herein-before set forth, shall be, and the same is hereby repealed; and that from and after the passing of this Act, every such Person herein-before mentioned, shall be capable of receiving a Licence to sell Spirituous

45 G. 3. c. 50.

Licences may be granted to certain Persons declared incapable of receiving the [illegible]der recited Act.

ous Liquor, Wine, Beer, Ale, or Cyder, by Retail, any Thing in the said recited Act to the contrary notwithstanding; subject nevertheless to all such Conditions, Regulations, and Restrictions, as are contained in the said recited Act, and as are not expressly repealed by this Act.

Permanent Serjeant and Paymaster of Yeomanry Corps shall not be licensed.

II. Provided always, and be it enacted, That no permanent Serjeant, nor any Person who shall pay, or be employed to pay, any Yeomanry Corps, shall, from and after the passing of this Act, be capable of receiving a Licence to sell Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail; any Thing in the said recited Act, or in this Act, to the contrary notwithstanding.

Who shall be deemed Retailers.

III. 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, Outhouse, or Building, Hut, Tent, or other Place whatever, or to be consumed elsewhere, Spirituous Liquors in less Quantity at One Time than Two 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 House) shall be deemed to be Retailers, and to sell the same by Retail within the Meaning of the said recited Act, and shall be subject and liable to all the Regulations in the said Act contained; and if not duly licensed, shall be subject to all and singular the Penalties and Disabilities enacted against Persons selling the same by Retail without Licence, by the said Act, or by any Act or Acts in force in Ireland; any Thing in the said recited Act of the last Session of Parliament, or in this Act, to the contrary notwithstanding.

After 29th September in any Year, Persons requiring Licences may apply to Two Magistrates, who shall certify as herein directed.

IV. And be it further enacted, That, from and after the Twenty-ninth Day of *September* One thousand eight hundred and six, it shall and may be lawful for any Person who shall not have obtained a Licence to sell Spirituous Liquors, Wine, Beer, Ale, and Cyder, by Retail, for the Year next ensuing the said Twenty-ninth Day of *September* One thousand eight hundred and six, and so in any subsequent Year from and after the Twenty-ninth Day of *September* in such Year, it shall and may be lawful for any Person who shall not have obtained such Licence for the Year next ensuing such Twenty-ninth Day of *September* respectively under any of the Directions and Regulations in the said recited Act contained, to apply to any Two Magistrates of the County residing nearest to the Habitation of such Person for a Certificate that he or she is a proper Person for being entrusted with such Licence; and if such Magistrates shall be of Opinion that the Person so applying is proper to be so entrusted, then such Person shall be required by such Magistrates to enter into a Bond in the Amount, and conditioned as in this Act is mentioned, with Two such Sureties as shall be approved of by such Magistrates, and upon such Security being entered into and delivered to such Magistrates, such Magistrates shall thereupon give to the Person so applying, a Certificate under their Hands and Seals in Manner and Form following; that is to say,

"County of (*or*, County of the City of *or*, County of the Town of *as the Case may be*).

"WE, *A. B.* and *C. D.*, Two of His Majesty's Justices of the Peace for the said County, being the Justices nearest resident to the Habitation of *E. F.* of do hereby certify, That the said *E. F.* is a fit and proper Person to be entrusted with the Sale of Spirituous Liquors, Wine, Beer, Ale, and Cyder, by Retail, at in the Parish of (*or*, if the Place is extra-parochial, the Name of the Place), until the Twenty-ninth Day of *September* next after the Date hereof; and that all Requisites for entitling the said *E. F.* to the said Licence have been duly performed, and that the Sureties of the said *E. F.* given for entitling him to the said Licence, are *G. H.* of and *I. K.* of . Witness our Hands and Seals, this Day of in the Year of our Lord ."

V. And be it further enacted, That the Person desiring such Licence, shall deliver such Certificate so signed and sealed as aforesaid, to some Distributor of Stamps in the County in which the Place mentioned in such Certificate for retailing the said Liquors shall lie, or to such other Officer or Person as shall be appointed for that Purpose by the Commissioners of Stamp Duties, and, thereupon, such Distributor, or other Officer or Person, shall forthwith make and sign and deliver to such Person, a Licence in the Form following, that is to say; On Production of such Certificate, Distributor of Stamps may grant Licences.

"*C. D.* of is hereby licensed to sell Spirituous Liquors, Wine, Beer, Ale, and Cyder, by Retail, at (*naming the Place in the said Certificate mentioned*), in the Parish of (*or*, if the Place is extra-parochial, the Name of the Place), on and from the Day of the Date hereof, until the Twenty-ninth Day of *September* following. Witness my Hand this Day of in the Year .

"*A B.* Distributor of Stamps,
"*or*, Officer appointed by the Stamp Office,
"(*as the Case may be*)."

Which Licence shall be of force on and from the Day of the granting thereof until the Twenty-ninth Day of *September* then next ensuing, and no longer; and every such Licence shall be on Vellum, Parchment, or Paper, stamped with the proper Stamp by Law required for the same; and for the issuing of such Licence, and the filling up the same, every such Distributor or other Officer or Person, shall be entitled to demand the Sum of Two Shillings and Sixpence *British* Currency as a Fee, together with the Amount of the Stamp Duty thereon, before he shall sign or deliver such Licence; and such Distributor, or other Officer or Person, shall not, for issuing such Licence, demand or receive any larger or other Fee than as aforesaid; and every Licence so granted by the said Distributor or other Officer, shall be of the same force and effect during the Continuance thereof, as any Licence granted under the said recited Act.

VI. And be it further enacted, That, from and after the passing of this Act, the Condition of every Bond which shall be given by any Person licensed to sell Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail under the said recited Act, or this Act, shall be as follows, that is to Condition of Bond by Party licensed.

to say; 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 sound 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*, at any Time of the Day whatever, nor Wine, Ale, Beer, Porter, or Cyder, on a *Sunday*, before Two of the Clock in the Afternoon; nor Spirituous Liquors, Wine, Beer, Ale, Porter, or Cyder, before Sunrise in the Morning of any Day, nor after an unseasonable Hour any Evening, except to Travellers; nor to any Tradesman, Artificer, or Labourer, resorting to the House of the Person so licensed for the Purpose of paying or receiving Wages, or of entering into any Combination; and shall not knowingly or wilfully entertain any Persons assembling for the Purpose of entering into any unlawful Association or Combination therein, nor any Person in Arms who is 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 the Duties thereon, and which shall not have been duly and legally attended with proper Permits to such Person from the Distillery or Stores of a Distiller, Factor, or other Person selling Spirits, and being duly licensed thereto according to Law.

Persons retailing without Licence shall be liable to Penalties under recited Act.

VII. And be it further enacted, That from and after the passing of this Act, no Person shall sell any Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail in Ireland, unless such Person shall, at the Time of selling such Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail, be licensed so to do either under the said recited Act or this Act; and if any Person shall sell any Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail, without having a Licence in force for that Purpose at the Time of selling the same, every such Person being duly convicted thereof in Manner as in the said recited Act is directed, shall forfeit and incur the several Sums of Money, Penalties, and Forfeitures in the said recited Act mentioned and contained with respect to Persons selling such Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail, without being licensed in Manner required by the said recited Act.

Justices shall transmit Bonds given before them by Parties licensed to Clerks of Peace, who shall keep the same as under 45 G. 3. c. 50. § 30.

VIII. And be it further enacted, That all Bonds and Securities entered into by the Persons requiring Certificates from Two Justices under this Act, shall be from Time to Time transmitted or delivered by such Justices, or One of them, within Three Months after the same shall have been so entered into, to the respective Clerks of the Peace, to be by them kept among the Records of the County, in such Manner as the said Clerks of the Peace are by the said recited Act required to keep the Bonds entered into by Persons licensed under the said recited Act; and every Clerk of the Peace in *Ireland* shall, upon Demand made to him by any Justice of Peace for the County, or by the Commissioners of Excise, or Commissioners for managing the Stamp Duties, or any of them, or by any Officer acting under the Authority or Orders of either of the said Commissioners, produce any Bond in his Custody under the said recited Act or this Act, so demanded for the Inspection of the Person demanding the same, under

Penalty of Five Pounds *Britiſh* Currency, to be recovered by Civil Bill by the Perſon making ſuch Demand.

IX. And whereas by the ſaid recited Act it is enacted, That every Perſon having a Licence to ſell Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail, and duly authorized by any Magiſtrate to ſell ſuch Spirituous or other Liquors at any Fair, ſhall pay to the Collector of Exciſe for 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 ſo authorized to ſell ſuch Liquors; be it enacted, That, from and after the Expiration of Ten Days after the paſſing of this Act, every ſuch Duty now payable, or hereafter to be payable, ſhall be paid and payable to ſome Diſtributor of Stamps in the County in which ſuch Fair ſhall be held, and not to any Collector of Exciſe or other Perſon; and every ſuch Payment ſo made to ſuch Diſtributor ſhall have the ſame Force, Validity, and Effect in all Reſpects whatſoever, as the ſame might or could have under the ſaid recited Act, if made to the Collector of Exciſe of the Diſtrict in which ſuch Fair ſhall be, and ſuch Diſtributor ſhall certify ſuch Payment upon the Foot or Back of ſuch Licence, in ſuch Manner as the ſaid Collector of Exciſe is by the ſaid recited Act authorized and required to do. Payments in reſpect to Fairs ſhall be made to Stamp Diſtributor, and not to Collector of Exciſe.

X. And be it further enacted, That every Diſtributor of Stamps, or other Officer appointed by the ſaid Commiſſioners of Stamps, ſhall from Time to Time on the Firſt Day of every Month, or within Three Days after, at all ſuch other Times as they ſhall be thereto required by Notice ſigned by any Commiſſioner of Exciſe, or by any Commiſſioner of Stamps, tranſmit to the Exciſe and Stamp Offices in *Dublin* reſpectively, a true and accurate Liſt of all Licences iſſued by them reſpectively under and by virtue of this Act in the Month preceding, or during ſuch Period as ſhall be required of them, with the Date 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 every Diſtributor ſhall in like Manner tranſmit to the ſaid Exciſe and Stamp Offices, an Account of all ſuch Sum and Sums of Money as ſhall have been received by ſuch Diſtributor in reſpect of Licences by Magiſtrates for ſelling at Faire; and if any ſuch Diſtributor or other Officer ſhall refuſe or neglect to return ſuch Liſt within Three Days after the Firſt Day of every Month, or within Ten Days after ſuch Notice as aforeſaid, he ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds *Britiſh* Currency. Diſtributor ſhall make monthly Returns of Licences granted by him; and of Money received on Fair Licences.

XI. And be it further enacted, That if any Diſtributor of Stamps, or other Officer or Perſon appointed by the ſaid Commiſſioners of Stamps for the Purpoſes of this Act, 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, or under the ſaid recited Act, than is or are allowed unto him by this Act or by the ſaid recited Act, or ſhall refuſe to fill up or give any Licence or Certificate required to be given by him for the Purpoſe of carrying this Act or the ſaid recited Act into Execution, ſuch Diſtributor or other Perſon ſhall forfeit the Sum of One hundred Pounds *Britiſh* Currency to any Perſon who ſhall ſue for the ſame, and ſhall be, and he is hereby declared incapable of ever after acting as a Diſtributor of Stamps, or Officer under the Commiſſioners of Stamps. Penalty on Diſtributor for Extortion.

Heirs may have the Benefit of Licences as well as Executors, under 45 G. 3. c. 50. § 23.

XII. And be it further enacted, That in case any Person licensed to sell Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail under the said recited Act, or this Act, shall happen to die during the Continuance of the Licence granted to such Person, it shall and may be lawful for the Heir of such Person who shall become possessed of the House or Place in which such Person shall have been licensed so to sell the same, to continue to sell Spirituous Liquors, Wine, Beer, Ale, or Cyder, by Retail in such House or Place until the Expiration of the Term for which such Licence shall have been granted, in like Manner, and upon the like Conditions, and under the like Restrictions, as the Executor or Administrator of such Person so dying may do under or by virtue of the said recited Act.

Convictions shall be returned to the Assizes, &c. next ensuing 20 Days after the Conviction, and proceeded on as under 45 G. 3. c. 50. § 63.

Application of Fine, where there is no County Infirmary.

XIII. And be it further enacted, That the Justice or Justices by or before whom any Conviction shall be had or made of any Person for selling Spirituous Liquors, Wine, Beer, Ale, or Cyder, without Licence under the said recited Act, or this Act, shall return such Conviction to the Clerk of the Crown at or before the next ensuing Assizes or Presenting Term which shall happen after Twenty clear Days from the Date of such Conviction; and such Proceedings shall be thereupon had as are required and directed by the said recited Act with respect to Convictions returned to the Clerk of the Crown under the said recited Act; and in case there shall be no County Infirmary in which the Parish, Town Land, or Town, shall be situate, off which the Fine mentioned in the said recited Act shall be levied in consequence of such Conviction, then, and in such Case, the Money levied for any such Fine shall be paid by the Treasurer of the said County to such Infirmary or other charitable Institution within such County, as the Court at such Assizes or Presenting Term shall direct.

Directions in 45 G. 3 c. 50. s. 64. as to Licences in Dublin, &c. shall relate to Retail Licences only.

XIV. And be it declared and enacted, That so much of the said recited Act as contains any Directions or Provisions with respect to Licences for the Sale of Spirituous Liquors in the City of *Dublin*, or in the County of the City of *Dublin*, or in the County of *Dublin*, shall be deemed, taken, and construed to extend, and shall extend and relate to Licences for selling Spirituous Liquors, Wine, Beer, Ale, and Cyder, by Retail only within the said City, and County of the said City, and County of *Dublin* respectively; any Thing in the said recited Act to the contrary notwithstanding.

Bounties for Sale of Beer in the Year ending 29th September 1804, shall be paid by Collectors on Order of Commissioners of Excise.

XV. And whereas several Retailers of Spirituous Liquors, Wine, Beer, Ale, and Cyder, may have claimed, or ought to have been allowed a Reduction of the Duties paid by them for Licences for the Year next ensuing the Twenty-ninth Day 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 Cities of *Dublin*, *Cork*, *Waterford*, or *Limerick*, during the Year ending on the said Twenty-ninth Day of *September* One thousand eight hundred and four, which Reductions have not been allowed to such Retailers; be it enacted, That the Commissioners of Excise shall make due Enquiry into all Claims of any such Retailers to such Reductions, and if such Commissioners shall be of Opinion, that the Quantities of Strong Beer and Ale sold by such Retailers during such Year were actually such as to entitle them to such Reductions, it shall be lawful for the said Commissioners, and they are hereby required, to order the Collectors of Excise in the said several Cities respectively, to pay to such Retailers out of

any Revenue in their Hands, a Bounty or Sum of Money equal to the Amount of such Reductions respectively; all which Payments shall be allowed to the said Collectors in their Accounts.

XVI. And whereas it is by the said recited Act amongst other Things enacted, That every Person who shall be licensed to sell Spirituous or other Liquors by Retail under the said Act, shall, for the Purposes therein mentioned, 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 the said Act contained, respecting the Conduct or Duty of Retailers; be it enacted, That, from and after the passing of this Act, every such Collector or Clerk of the Peace, who shall on demand thereof refuse, neglect, or omit to furnish such Abstract to any such Person so licensed, shall, for every such Refusal, Neglect, or Omission, forfeit the Sum of Twenty Pounds: Provided always, that no such Collector or Clerk of the Peace, shall be bound to furnish such Abstract to the same Person more than Once.

Penalty on Collector or Clerk of Peace for not furnishing Abstracts required by 45 G. 3. c. 50. s. 69.

XVII. And be it further enacted, That all the Powers, Provisions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said recited Act of the last Session of Parliament, shall extend, and be construed to extend, and shall be applied to the Execution of this Act, as fully and effectually to all Intents and Purposes, as if the said Powers, Provisions, Penalties, Forfeitures, Clauses, Matters, and Things, were repeated and re-enacted in this Act, and that the said recited Act, and this Act, shall be construed together so far as the same are compatible with each other, and so far as the said recited Act is not expressly altered or repealed by this Act.

Recited Act and this Act shall be construed together.

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