ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

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C A P. CXLIII.

An Act to repeal the Stamp Duties on Licences granted by Justices of the Peace for selling Ale, Beer, and other Exciseable Liquors by retail; and for granting other Duties in lieu thereof.

[2d *July* 1808.]

WHEREAS by an Act, passed in the Forty-fourth Year of the Reign of His present Majesty, intituled, *An Act to repeal the several Duties under the Commissioners for managing the Duties upon Stamped Vellum, Parchment, and Paper, in* Great Britain, *and to grant new and additional Duties in lieu thereof*, certain Stamp Duties were imposed on Licences granted by any Justice or Justices of the Peace or other Magistrate or Magistrates for selling Ale, Beer, or other Exciseable Liquors by retail: And whereas it is expedient that the said Duties should be repealed, and other Duties granted in lieu thereof, to be placed under the Management of the Commissioners of Excise; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* One thousand eight hundred and eight, all and singular the said Duties shall cease and determine; save and except in all Cases relating to the receiving or paying any Arrears thereof respectively, which may at any Time remain unpaid, or to any Fine, Penalty or Forfeiture,

44 G. 3. c. 98.

Stamp Duties on Licences to cease, after October 10, 1808.

feiture, Fines, Penalties or Forfeitures relating thereto reſpectively, which ſhall have been incurred at any Time before or on the ſaid Tenth Day of *October* One thouſand eight hundred and eight.

Exciſe Duties granted on ſuch Licences.

II. And be it further enacted, That from and after the ſaid Tenth Day of *October* One thouſand eight hundred and eight, all and every Perſon or Perſons, who ſhall ſell Beer or Ale by Retail, or who ſhall ſell Cyder or Perry, to be drank or conſumed in his, her, or their Houſe or Premiſes, ſhall, before he, ſhe, or they ſhall ſell any Beer or Ale by Retail, or any Cyder or Perry, to be drank or conſumed in his, her, or their Houſe or Premiſes, take out an Exciſe Licence, authorizing ſuch Perſon or Perſons to ſell Beer or Ale by Retail, and alſo, Cyder and Perry, to be drank or conſumed in his, her, or their Houſe or Premiſes; which Licence ſhall be granted in Manner herein-after mentioned (that is to ſay) If any ſuch Licence ſhall be taken out within the Limits of the Chief Office of Exciſe in *London*, the ſame ſhall be granted under the Hands and Seals of Two or more of the Commiſſioners of Exciſe in *England* for the Time being, or of ſuch Perſons as they the ſaid Commiſſioners of Exciſe or the major Part of them for the Time being ſhall from Time to Time appoint or employ for that Purpoſe; and if any ſuch Licence ſhall be taken out in any Part of *England*, not within the ſaid Limits, the ſame ſhall be granted under the reſpective Hands and Seals of the ſeveral Collectors and Supervifors of Exciſe within their reſpective Collections and Diſtricts; and in caſe any ſuch Licence ſhall be taken out within the Limits of the City of *Edinburgh*, the ſame ſhall be granted under the Hands and Seals of Two or more of the Commiſſioners of Exciſe in *Scotland* for the Time being; or if any ſuch Licence ſhall be taken out in that Part of *Great Britain* called *Scotland*, out of the ſaid Limits of the City of *Edinburgh*, then the ſame ſhall be granted under the reſpective Hands and Seals of the ſeveral Collectors and Supervifors of Exciſe in *Scotland*, within their reſpective Collections and Diſtricts; and the ſaid Commiſſioners of Exciſe in *England* and *Scotland* reſpectively, or any Two or more of them reſpectively, and the Perſons to be appointed or employed by the ſaid Commiſſioners of Exciſe in *England* or *Scotland* reſpectively, or the major Part of them, and alſo all ſuch Collectors and Supervifors are hereby reſpectively authorized and required to grant ſuch Licences to the Perſons who ſhall apply for the ſame, on the Perſon or Perſons ſo applying, firſt paying for ſuch Licence a Duty of Two Pounds Two Shillings, to be applied and accounted for as hereinafter directed.

Where the Duty on ſuch Licences ſhall be paid.

III. And be it further enacted, That the Duty by this Act directed to be paid for ſuch Licences, ſhall be paid at ſuch Places, or to ſuch Perſons as are herein-after in that Behalf reſpectively mentioned (that is to ſay) For Licences which ſhall be taken out within the Limits of the Chief Office of Exciſe in *London*, the ſame ſhall be paid at the Chief Office of Exciſe in *London*; and for Licences which ſhall be taken out within the Limits of the City of *Edinburgh*, the ſame ſhall be paid at the Chief Office of Exciſe in *Edinburgh*; and for Licences which ſhall be taken out in any Part of *Great Britain*, not within the ſaid reſpective Limits, the ſame ſhall be paid to the reſpective Collectors of Exciſe granting ſuch reſpective Licences; and all Licences which ſhall be granted under and by virtue of this Act, to any Perſon or Perſons, to ſell Beer and Ale by retail, and Cyder and Perry, to be drank or conſumed in his, her, or their Houſe or

Premiſes, ſhall remain and continue in force until and upon the Tenth Day of *October* next enſuing the Time of granting thereof, and no longer.

Time of taking out Licences.

IV. Provided always, and be it further enacted, That in all Caſes where the Licence or Authority granted by any Juſtices of the Peace or Magiſtrates, or other competent Perſons, to any Perſon or Perſons to keep a Common Inn, Ale Houſe, or Victualling Houſe, ſhall under or in purſuance of any Charter, Cuſtom, or Uſage, be iſſued at any Time of the Year except in the Month of *September*, and terminate or expire at any Time of the Year except in the Month of *September*, then and in every ſuch Caſe the Exciſe Licence required by this Act to be taken out for the Sale of Beer, Ale, Cyder, or Perry, ſhall be taken out within Ten Days next after the Date of the ſaid Licence or Authority of the Juſtices of the Peace, Magiſtrates, or other competent Perſons, and ſuch Exciſe Licence ſhall continue in force for Twelve Calendar Months next enſuing the Date of the Commencement thereof, any Thing in this Act to the contrary in anywiſe notwithſtanding.

When Licences to be renewed.

V. And be it further enacted, That no Perſon or Perſons ſhall ſell any Beer or Ale by Retail, or any Cyder or Perry, to be drank or conſumed in his, her, or their Houſe or Premiſes, after the Expiration of ſuch his, her, or their Exciſe Licence, unleſs ſuch Perſon or Perſons ſhall take out a freſh Licence, for the ſaid Purpoſes, in the Manner hereinbefore directed within Ten Days after the Expiration of ſuch former Licence, and ſo in like Manner renew every ſuch Licence from Year to Year; or if any Perſon or Perſons ſhall ſell any Beer or Ale by retail, or any Cyder or Perry, to be drank or conſumed in his, her, or their Houſe or Premiſes, without firſt taking out an Exciſe Licence, authorizing him, her, or them ſo to do, or without renewing the ſame as is herein in that Behalf directed, he, ſhe, or they ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds.

Executors or Aſſignees may ſell under former Licences.

VI. And be it further enacted, That upon the Death of any Perſon ſo licenſed, or upon the Removal of any Perſon or Perſons ſo licenſed from the entered Houſe or Premiſes in which ſuch his, her, or their Exciſe Licence ſhall authorize him, her, or them to ſell Beer or Ale by retail, or Cyder or Perry, to be drank or conſumed in his, her, or their Houſe or Premiſes, it ſhall be lawful for the Commiſſioners of Exciſe in *England* and *Scotland* reſpectively for the Time being, or any one or more of them, and to and for the ſeveral Collectors and Superviſors of Exciſe in *England* and *Scotland* reſpectively, within their reſpective Collections and Diſtricts, upon the Production of a Certificate of a Juſtice of the Peace or Magiſtrate or other competent Perſon given after the Death or Removal of the former Occupier of the Houſe or Premiſes, approving of the Perſon or Perſons to whom ſuch Certificate ſhall be given to authorize and empower, ſuch Perſon or Perſons in like Manner to ſell Beer and Ale by Retail, or Cyder and Perry to be drank and conſumed in his, her, or their Houſe or Premiſes, in the ſame Houſe or Premiſes where ſuch Perſon ſo licenſed by virtue of ſuch Exciſe Licence carried on ſuch Trade, during the Reſidue of the Term for which ſuch Licence was originally granted, without taking out a new Exciſe Licence during the Reſidue of the ſaid Term: Provided always, that Perſons trading in Partnerſhip, and in One Houſe or Premiſes only, ſhall not be obliged to take out more than One Exciſe Licence to ſell Beer and Ale by retail, or Cyder and Perry, to be drank or conſumed in his, her, or their Houſe

or

or Premiſes, in any One Year; and that no One Licence which ſhall be granted by virtue of this Act ſhall authorize or empower any Perſon or Perſons to ſell Beer or Ale by retail, or Cyder or Perry, to be drank and conſumed in his, her, or their Houſe or Premiſes, in any other Houſe or Premiſes, than the Houſe or Premiſes in which he, ſhe, or they ſhall ſell or have ſold Beer or Ale, or Cyder or Perry, at the Time of granting ſuch Licence.

Exciſe Licences not to be granted except to Perſons authorized by Magiſtrates.

VII. Provided always, and be it further enacted, That neither His Majeſty's Commiſſioners of Exciſe in *England* or *Scotland* reſpectively, nor any Perſons who ſhall be appointed or employed by the ſaid Commiſſioners in *England*, to grant Licences to Perſons for ſelling Beer or Ale by retail, or Cyder or Perry, to be drank or conſumed in the Houſe or Premiſes of the Perſon or Perſons applying for ſuch Licence, nor any of the Collectors or Superviſors of Exciſe, ſhall grant or deliver any Licence to ſell Beer or Ale by retail, or Cyder or Perry, to be drank or conſumed in the Houſe or Premiſes of the Perſon or Perſons applying for ſuch Licence, or any Licence to ſell Spirituous Liquors or ſtrong Waters or Wine or Liquors by retail to any Perſon or Perſons who ſhall not produce a Licence or Authority granted to him, her, or them in due Form of Law, by Juſtices of the Peace or Magiſtrates, or other competent Perſons, to ſuch Perſon or Perſons to keep a common Inn, Ale Houſe, or Victualing Houſe, and every ſuch Licence or Authority ſhall be in the Form following; *videlicet*:

County of } ‘AT a General Meeting for
‘the holden at within
‘the ſaid on the Day of
‘for the Purpoſe of authorizing and empowering Perſons to keep common
‘Inns, Ale Houſes, or Victualling Houſes, We being
‘His Majeſty's Juſtices of the Peace for the or Magiſtrates
‘of [*as the Caſe may be*;] do hereby authorize and empower, *A. B.* at
‘the Sign of in the of in the
‘aforeſaid, to keep a common Inn, Ale Houſe, or Victualling
‘Houſe, and to utter and ſell in the Houſe in which he now dwelleth, and
‘in the Premiſes thereunto belonging, and not elſewhere, Victuals, and
‘all ſuch Exciſeable Liquors as he ſhall be licenced and empowered to
‘ſell under the Authority and Permiſſion of any Exciſe Licence which
‘ſhall be duly granted by the Commiſſioners of Exciſe, or Perſons to be
‘appointed or employed by them for that Purpoſe, or by any Collector
‘and Superviſor of Exciſe reſpectively, provided that the true Aſſize in
‘Bread, in Beer, Ale, Cyder and all other Liquors, be duly kept, and
‘that no unlawful Game or Games, or any Drunkenneſs or other Diſorder,
‘be ſuffered in his Houſe, Yard, Garden, or Premiſes, but that good
‘Order and Rule be maintained and kept therein, according to the Laws
‘of this Realm in that Behalf made: The Authority and Power hereby
‘granted to continue in force for One whole Year from the
‘Day of and no longer. Signed.

Not to repeal any Regulation as to Licence granted by Magiſtrates.

VIII. Provided always, and be it further enacted, That nothing in this Act ſhall extend or be conſtrued to extend to repeal or alter or in any Manner to affect any Law or Laws or any Proviſion in any Charter or Charters or any Privilege of any City or Town Corporate or of any Univerſity now in force, or lawfully uſed or exerciſed, in relation to the

granting of Licences by any Juſtices, Magiſtrates, or other Perſons authorized by Law to grant Licences for Perſons keeping common Inns, Ale Houſes or Victualling Houſes; or in relation to the taking of any Recognizances upon granting of any ſuch Licences, or requiring or doing any other Act, Matter, or Thing relating to any ſuch Licences: Save and except as to the Payment of Duties and Form of Licence as aforeſaid, or to repeal or alter any Act or Acts of Parliament as to the Sale of Table Beer at a Price not exceeding Three Halfpence *per* Quart.

Licences granted, to continue in full force for the Term for which granted.

IX. And be it further enacted, That all Licences duly ſtamped and granted by His Majeſty's Juſtices of the Peace or Magiſtrates or other competent Perſons, before the ſaid Tenth Day of *October* One thouſand eight hundred and eight, to any Perſon or Perſons whatſoever, to keep a common Inn, Ale Houſe, or Victualling Houſe, and to ſell Beer, Ale, Cyder or Perry by Retail, ſhall be and remain in full force and effect for the whole Term for which ſuch Licence ſhall be reſpectively granted; and no Perſon whatſoever, being duly poſſeſſed of any ſuch Licence, ſhall be ſubject or liable to any Penalty by this Act impoſed for not taking out an Exciſe Licence to ſell Beer, Ale, Cyder or Perry, during the Continuance of any Licence ſo granted as aforeſaid by any Juſtices of the Peace, or Magiſtrates, or other competent Perſons; any Thing herein contained to the contrary in anywiſe notwithſtanding.

Clerks to Juſtices to take the ſame Fees as heretofore.

X. And be it further enacted, That nothing in this Act contained ſhall extend to diminiſh or alter any Fees heretofore lawfully taken and received by any Clerks of any Juſtices or Magiſtrates; but it ſhall be lawful to continue to demand and take ſuch and the like Fees, and no other or different Fees, for Licences to keep any common Inn, Ale Houſe, or Victualling Houſe, as have heretofore been taken by ſuch Clerks in that Behalf.

No Perſon diſabled from keeping ſuch Houſes by Conviction, ſhall ſell Exciſeable Liquors.

XI. And be it further enacted, That every Perſon having any Licence to keep a common Inn, Ale Houſe, or Victualling Houſe, who ſhall be diſabled by any Conviction from keeping a common Inn, Ale Houſe, or Victualling Houſe, ſhall alſo by ſuch Conviction be diſabled from ſelling any Beer or Ale by Retail, or Cyder or Perry, to be drank or conſumed in his, her, or their Houſe or Premiſes, under any Exciſe Licence obtained for ſuch Purpoſes; and every ſuch Exciſe Licence ſhall from the Time of ſuch Conviction be null and void to all Intents and Purpoſes; and in all Caſes of Proſecution of any ſuch Perſons, whoſe Exciſe Licences ſhall have become null and void by ſuch Conviction, a Certificate from the Clerk of the Peace, or Perſon acting as ſuch, of any ſuch Conviction, ſhall be legal Evidence; which Certificate ſuch Clerk of the Peace, or other Perſon, is hereby authorized and required to grant on demand, without Fee or Reward.

Recovery of Penalties.

XII. And be it further enacted, That all Fines, Penalties, and Forfeitures impoſed by this Act, ſhall be ſued for, recovered, levied, or mitigated by ſuch Ways, Means, or Methods as any Fine, Penalty, or Forfeiture may be ſued for, recovered, levied or mitigated by any Law or Laws of Exciſe, or by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Exchequer in *Scotland* reſpectively; and that One Moiety of every ſuch Fine,

Penalty, or Forfeiture ſhall be to His Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them who ſhall inform, diſcover, or ſue for the ſame.

Powers of former Acts applicable to this Act.

XIII. And be it further enacted, That all and every the Powers, Directions, Rules, Penalties, Forfeitures, Clauſes, Matters, and Things, which in and by an Act, made in the Twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for taking away the Court of Wards and Liveries and Tenures in Capite and by Knight's Service and Purveyance, and for ſettling a Revenue upon His Majeſty in lieu thereof*, or by any other Law now in force, relating to His Majeſty's Revenue of Exciſe, are provided and eſtabliſhed for managing, raiſing, levying, collecting, mitigating or recovering, adjudging or aſcertaining the Duties thereby granted, or any of them (other than in ſuch Caſes for which other Penalties or Proviſions are made and preſcribed by this Act) ſhall be practiſed, uſed, and put in Execution in and for the managing, raiſing, levying, collecting, mitigating, recovering, and paying the Duties by this Act impoſed, and for preventing, detecting, and puniſhing Frauds relating thereto, as fully and effectually, to all Intents and Purpoſes, as if all and every the Powers, Rules, Directions, Penalties, Forfeitures, Clauſes, Matters and Things were particularly repeated and re-enacted in this preſent Act.

Application of Duties.

XIV. And be it further enacted, That all the Monies ariſing by the Duties by this Act impoſed (the neceſſary Charges of raiſing and accounting for the ſame excepted) ſhall from Time to Time be paid into the Receipt of His Majeſty's Exchequer at *Weſtminſter*, and the Money ſo paid into the ſaid Receipt of Exchequer as aforeſaid ſhall be carried to and made Part of the Conſolidated Fund of *Great Britain*.

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