

ANNO TERTIO

GEORGII IV. REGIS.

CAP. LXXVII.

An Act for amending the Laws for regulating the Manner of licensing Alehouses in that Part of the United Kingdom called *England*, and for the more effectually preventing Disorders therein.

[26th *July* 1822.]

WHEREAS the several Statutes now in force for regulating the Manner of licensing Persons to keep Alehouses, or to sell Ale, Beer, and other Liquors by Retail therein, in that Part of the United Kingdom called *England*, are found to be defective and insufficient, and it is expedient that the Laws concerning such Alehouses, Inns, and Victualling Houses, and the licensing thereof, should be amended, and some further Provisions made as to the Mode of granting such Licences: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, every Person to whom the Justices of the Peace or Magistrates shall grant a Licence or Authority to keep a common Inn, Alehouse, or Victualling House, or to sell Ale, Beer, Cyder, Perry, or other exciseable Liquors by Retail, within that Part of the United Kingdom called *England*, shall upon such Licence or Authority being granted or issued, enter into a Recognizance to the King's Majesty, His Heirs and Successors, in the Sum of Thirty Pounds, with

Requiring Persons to whom any Licence shall be granted to enter into Recognizances in the Form prescribed by Schedule (A.)

with One sufficient Surety in the Sum of Twenty Pounds, or Two sufficient Sureties in the Sum of Ten Pounds each, which Recognizance, with the Condition thereof, shall be in the Form prescribed by the Schedule to this Act marked (A.); and in case the Person applying for such Licence shall be hindered through Sickness or Infirmity, or any other reasonable Cause, to attend in Person at the Meeting of the same Justices or Magistrates for granting the said Licences or Authorities, that then it shall be lawful for them to grant such Licence or Authority upon Two sufficient Sureties entering into such Recognizance, each Surety in the Penalty of Thirty Pounds, for Performance of the Condition of the said Recognizance, and which said Recognizance shall be acknowledged in the Presence of the Majority, and signed by at least Two of the Justices or Magistrates present at any such Meetings for granting Licences or Authorities, and the same, with the Condition thereof fairly written or printed, shall forthwith, or at the next General or Quarter Session of the Peace at farthest, after granting such Licence or Authority, be sent or returned to the Clerk of the Peace, or Person acting as such, for every County, Riding, City, Liberty, Town Corporate, or Place in that Part of the United Kingdom called *England*, wherein such Licences or Authorities shall be granted, to be by the said Clerk of the Peace, or such other Person acting as such, duly entered or filed amongst the Records of the Sessions of the Peace; and that for every such Licence or Authority granted without taking such Recognizance, and for every such Recognizance taken and not sent or returned as aforesaid, every Justice of the Peace or Magistrate signing such Licence or Authority shall forfeit and pay the Sum of Three Pounds Six Shillings and Eight-pence; and every such Licence or Authority to be granted by Justices of the Peace or Magistrates, after the passing of this Act, shall be in the Form prescribed by the Schedule to this Act marked (B.): Provided always, that no Police Officer, Patrole, Constable, or Headborough shall be Surety for any Innkeeper, Alehouse Keeper, or Victualler under this Act.

In case Persons applying for Licences shall be prevented by Sickness, &c. from attending the Justices, then Justices may grant same on taking Security.

Penalty for granting Licence without Recognizance.

Licence to be in the Form in Schedule (B.)

II. And for the better preventing the granting of Licences or Authorities to unfit and improper Persons, to keep Alehouses or Victualling Houses, or to sell Ale, Beer, or other exciseable Liquors by Retail, and the Occurrence of disorderly Conduct in such Houses; be it further enacted, That no Licence or Authority for such Purposes shall be granted to any Person not thereunto licensed or authorized the Year preceding, unless such Person shall produce, at the General Annual Meeting of the Justices or Magistrates to be held for that Purpose, a Certificate under the Hands of the Parson, Vicar, or Curate, or of the major Part of the Churchwardens, Chapelwardens, and Overseers of the Poor, and of Four reputable and substantial Householders and Inhabitants, or under the Hands of Eight respectable and substantial Householders and Inhabitants of the Parish or Place where the Person applying for such Licence or Authority shall have last inhabited or dwelt for a Space of Six Months; which Certificate shall set forth the Number of the House, and the Name of the Street, or other true Description of the House where such Person so dwelt, and also whether he or she was there a Housekeeper or an Inmate, and whether such Person, in such last-mentioned Parish

Certificate of good Conduct, &c. to be produced by Persons applying for Licences.

or Place, kept an Alehouse or Victualling House, and if so, the Sign of such House; and shall also set forth, that such Person is of good Fame, sober Life and Conversation, and a fit and proper Person to be entrusted with a Licence for the Purposes aforesaid; and it shall be mentioned in every such Licence or Authority, to be granted to any Person not licensed at the last General Licensing Day, that such Certificate was produced; and in case such Certificate, in the Form and signed in the Manner aforesaid, shall not, on the Occasions aforesaid, be produced, or the Licence to be granted in such last-mentioned Cases shall omit to state that such Certificate was so produced, such Licence or Authority shall be null and void; and every such Certificate so required to be produced on such Occasions as aforesaid, shall be annexed to the Recognizance to be entered into by the Person receiving or obtaining such Licence or Authority as aforesaid, and shall with such Recognizance be sent or returned to the Clerk of the Peace, or Person acting as such as aforesaid: Provided always, that if any Person shall forge or counterfeit any Certificate, or write any Name on any such Certificate, to resemble, imitate, or represent the Name of any Parson, Vicar, or Curate, or any Churchwarden, Chapelwarden, Overseer of the Poor, or other Person directed by this Act to sign such Certificate, with an Intent to deceive the Justices of the Peace granting or having Power to grant such Licences or Authorities, or shall tender or produce any Paper with such counterfeit Name or Writing thereupon, knowing such Name or Writing to be counterfeit, with Intent to deceive the said Justices, or shall take or receive any Sum or Sums of Money for signing or procuring Signatures to any such Certificate, every Person so offending, being thereof lawfully convicted, shall be adjudged to be guilty of a Misdemeanor, and shall suffer Punishment accordingly.

Persons forging or receiving Money for Certificates to be guilty of a Misdemeanor.

III. And be it further enacted, That the Recognizance, in the Form and with the Surety or Sureties hereby required to be entered into on granting Licences or Authorities to Persons to keep Alehouses or Victualling Houses, or to sell Ale, Beer, or other exciseable Liquors by Retail, and the Certificate in the Form and with the Signatures hereby required to be produced, by Persons not licensed for those Purposes the preceding Year, shall also be entered into and produced by Persons applying for and obtaining such Licences or Authorities, at any Special Meetings of the Justices to be holden for those Purposes, pursuant to the Directions of the Statute made and passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend so much of Two Acts, made in the Twenty-sixth and Twenty-ninth Years of the Reign of His late Majesty King* George *the Second, as relates to the licensing of Alehouse Keepers and Victuallers, and for better regulating Alehouses, and the Manner of granting such Licences in future; and also of granting Licences to Persons selling Wines to be drank in their Houses.*

Recognizances to be presented to Justices at special Meetings to be held for that Purpose.

32 G. 3. c. 59.

IV. And be it further enacted, That the Register or Calendar required by Law to be kept by Clerks of the Peace, of Recognizances to be taken and returned by Justices of the Peace, on granting such Licences as aforesaid, shall contain the Names and Places of Abode of the several Sureties who shall so enter into such Recognizances; and

Names of Sureties to be entered in a Book.

and that as well the Entries of the Names of such Sureties, as of the other Particulars of such Recognizances already required to be registered, shall and they are hereby required to be entered by the respective Clerks of the Peace, or other Persons acting as such, to whom such Recognizances shall be returned; and that for every Recognizance there shall be paid, by the Clerk or Clerks to the Justices taking such Recognizances, to the said Clerk of the Peace, as their Fee for filing or recording the said Recognizances and for making such Entry thereof, and of the Names or Name of the Sureties or Surety to be thereby bound, and for making and delivering Copies of the said Register, as by Law required, the Sum of Two Shillings and no more, which shall be paid to the Clerks of the said Justices by the Persons licensed, over and above the Fees payable by Law to the said Justices Clerks; and it shall be lawful for any Person or Persons on Application, at all seasonable Times, to see, inspect, and examine every such Register, so to be kept by the said Clerks of the Peace, on Payment or Tender made by the Person or Persons requiring the same, to such Clerks of the Peace, of the Sum of One Shilling for every such Inspection or Examination.

Registers of Sureties open to public Inspection.

Fees to be paid for Licences.

V. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful to and for the Clerks to the several Justices of the Peace, to be assembled at any General Annual Meeting for the Purpose of granting Licences or Authorities to Persons to keep Alehouses, or to sell Ale, Beer, or other exciseable Liquors by Retail, in that Part of the United Kingdom called *England*, and also at any Special Meeting for the like Purposes to be held pursuant to the Directions of the said Act of the Thirty-second Year of the Reign of His said late Majesty, to ask, demand, and receive of and from every Person to whom a Licence or Authority, for the Purposes aforesaid, shall be granted, renewed, or continued, as and for the Trouble of such Clerks in filling up such Licence or Authority, and taking and returning the Recognizance to be so entered into, the Sum of Five Shillings and no more, over and above the Fees directed to be paid to the several Clerks of the Peace, for filing such Recognizances; and in case any Clerk to such Justices, or other Person acting as such, shall demand, or take or receive of or from any Person to whom such Licence or Authority as aforesaid shall hereafter be granted, or renewed or continued, as and for his Fee or Reward for the Trouble of preparing the same, and taking and returning such Recognizance as aforesaid, any further or greater Fee or Reward or Recompence than the said Sum of Five Shillings, every Person so offending shall for every such Offence, and on Conviction on the Oath of One credible Witness, forfeit and pay the Sum of Five Pounds, to be sued for, recovered, levied, and applied in the same Manner as any other pecuniary Penalty imposed by this Act may be sued for, recovered, levied, and applied.

Penalty on taking more than regular Fees, 5*l*.

Executors, &c. of licensed Person may be continued in Possession of such Licence, upon enter-

VI. And be it further enacted, That from and after the passing of this Act, if any Person duly licensed to keep an Alehouse or Victualling House, or to sell Ale, Beer, or other exciseable Liquors by Retail, in any House within that Part of the United Kingdom called *England*, shall die before the Expiration of such Licence, or if any Person so licensed, or the Executors, Administrators, or Assigns of the

the Person dying so licensed, shall remove from or yield up the Possession of such House in which such Ale, Beer, or other Liquors shall by virtue of such Licence be sold, and shall assign such Licence, or in case any such House shall become empty or unoccupied, the late Occupier whereof was duly licensed at the last General Meeting previous to the Time such House became empty or unoccupied, it shall and may be lawful for Two or more of His Majesty's Justices of the Peace, or Persons acting as such for the County, Riding, City, Liberty, Town Corporate, or Place, at a Special Day of Meeting to be holden within and for the same Division or Place in which the House shall be situate, to grant a Licence or Authority to the Executors, Administrators, or Assigns of the Person so dying who shall be possessed of such House, or to any new Tenant or Occupier upon any such Removal, or upon the House becoming unoccupied as aforesaid, to open or continue open such House as an Alehouse or Victualling House, or to sell Ale, Beer, or other Liquors by Retail as aforesaid therein till the Tenth of *October* then next ensuing, so as the Person applying for such Licence or Authority shall produce such Certificate and enter into such Recognizance with such Surety or Sureties as herein-before directed; and every such Recognizance to be taken and entered into at such Special Day of Meeting, and every such Certificate so to be produced, shall be returned to the respective Clerks of the Peace in the same Manner as the Recognizances and Certificates to be taken and produced at the said General Annual Meetings of the said Justices are directed to be returned.

ing into the like Recognizances.

VII. And be it further enacted, That from and after the passing of this Act, all General Annual Meetings of the Justices or Magistrates, for the Purpose of granting Licences to sell Ale, Beer, and other exciseable Liquors by Retail, as well in Cities and Towns Corporate as in all other Places within that Part of the United Kingdom called *England*, shall be held in the Month of *September* in each and every Year; any local Custom or Usage to the contrary thereof in anywise notwithstanding.

All General Annual Meetings to be in September.

VIII. Provided always, That all Persons who hold Licences to sell Ale, Beer, and other Liquors by Retail, which would expire at a different Period of the Year from that at which they will expire after the passing of this Act, shall be allowed in the Payment of their Duties, upon the first Renewal of their Licences under this Act, for so much of their current Year as shall not have then expired.

Allowance to be made for the Time unexpired of Licences on their Renewal.

IX. And whereas by the Laws now in force in that Part of the United Kingdom called *England*, Persons selling Ale, Beer, or other exciseable Liquors by Retail, are liable and subject to different Penalties and Punishments for disorderly Conduct committed, or permitted or suffered in their Houses; and by an Act made and passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for regulating the Manner of licensing Alehouses in that Part of* Great Britain *called* England, *and for the more easy convicting Persons selling Ale and other Liquors without Licence*, it is enacted, that any Justice of the Peace for any County, Riding, City, Liberty, or Town Corporate, wherein such Licence shall be granted, upon Complaint or Information that such licensed Person had

26 G. 2, c. 31.

had done or committed any Act, Offence, or Misdemeanor, whereby in the Judgment of the same Justice the Recognizance of such licensed Person might be forfeited, or the Condition thereof broken, might by Summons under his Hand and Seal require such Person so complained of or informed against to appear at the next General or Quarter Sessions of the Peace for the said County, Riding, City, Liberty, or Town Corporate, then and there to answer the Matter of such Complaint or Information, and also might bind the Person or Persons so making such Complaint or Information, or any other Person or Persons, in a Recognizance to appear at such General or Quarter Sessions, and give Evidence against such Persons complained of or informed against; and the Justices of the Peace, in their General or Quarter Sessions, should have full Power to direct the Jury which should attend at such Sessions for the Trial of Traverses, or some other Jury of Twelve honest and substantial Men, to be then and there impannelled by the Sheriff, without Fee or Reward, to inquire of the Misdemeanor charged in the said Complaint or Information, and if such Jury should find that the Person so complained of or informed against had done any Act whereby the Condition of his Recognizance was broken, such Act being specified in such Complaint or Information, it should or might be lawful for the Court, at such General or Quarter Sessions, to adjudge such Person guilty of the Breach of such Recognizance, which Verdict and Adjudication should be final to all Intents and Purposes; and thereupon the said Justices should order the Recognizance entered into by such Offender to be estreated into His Majesty's Court of Exchequer, to be levied to His Majesty's Use; and that the said Person, the Condition of whose Recognizance should be so adjudged to be broken and forfeited, should, from and after such Adjudication, be utterly disabled to sell any Ale, Beer, Cyder, Perry, Spirituous Liquors, or Strong Waters, for the Space of Three Years; and any Licence or Licences granted or to be granted to such Person during such Term should be void and of none Effect; be it further enacted by the Authority aforesaid, That so much of the said recited Act of the Twenty-sixth Year of His late Majesty King *George* the Second, as relates to the Forfeiture of the Recognizance of any Person licensed to keep a common Alehouse or Victualling House, or to sell Ale, Beer, or other exciseable Liquors by Retail, and the subsequent Disability of such Party on such Adjudication to hold a Licence for the Space of Three Years, be and the same is hereby repealed; and also, that from and after the passing of this Act, the several Statutes and Acts, and Parts of Statutes and Acts following, shall be repealed; that is to say, so much of a Statute passed in the First Year of the Reign of King *James* the First, as relates to Penalties and Punishments of Innkeepers, Victuallers, and Alehouse Keepers for the Offences therein mentioned; and also so much of Two Statutes passed in the Seventh and Twenty-first Years respectively of the Reign of King *James* the First, as relates to the disabling Persons to keep an Alehouse for Three Years in the Cases therein mentioned; and also so much of a Statute passed in the First Year of the Reign of King *Charles* the First, as relates to the Penalty on Alehouse Keepers and Victuallers therein mentioned; and also so much of an Act passed in the Thirtieth Year of the Reign of King *George* the Second, as relates to the Penalty on Persons licensed to sell any Sorts of Liquors in the Case therein

Recited Act in part repealed.

Repeal of certain Acts and Parts of Acts.

1 J. 1. c. 9.

7 J. 1. c. 10.

21 J. 1. c. 7.

1 C. 1. c. 4.

30 G. 2. c. 24.

therein mentioned, and which said several Acts and Parts of Acts are hereby repealed accordingly; and that from and after the passing of this Act, every licensed Person selling Ale, Beer, or other exciseable Liquors by Retail, in that Part of the United Kingdom called *England*, who shall be lawfully convicted of any Offence against the Condition of any subsisting Recognizance entered into by such licensed Person, or against the Tenor of any Licence granted and now subsisting, or hereafter to be granted, or against the Condition of the Recognizance by this Act required to be entered into by such licensed Person, or against the Tenor of the Licence to be granted by virtue of this Act, shall for every such Offence forfeit and undergo the several Penalties and Punishments and Disabilities herein-after mentioned and provided in that Behalf, instead and in lieu of the several pecuniary and other Punishments and Disabilities which they are now or immediately before the passing of this Act were liable or subject to by any Law then in force; (that is to say), for the First Offence a Sum not exceeding Five Pounds, with the Costs and Expences of convicting such Offender; and in case the said Penalty, with the Costs and Expences of convicting such Offender, shall not be paid within the Space of Fourteen Days next after such Conviction, that then the Offender shall suffer Imprisonment for the Space of One Month, in the Common Gaol or House of Correction for the County, Riding, City, Liberty, Town Corporate, or Place where such Conviction shall take place, unless he or she shall sooner pay such Penalty, and the Costs, Charges, and Expences of such Conviction, and executing the same; and for the Second Offence a Sum not exceeding Ten Pounds, and also the Costs and Expences of convicting such Offender; and in case such Penalty, with the Charges and Expences of convicting such Offender the Second Time, shall not be paid within the Space of Seven Days next after such Second Conviction, that then the Offender shall suffer Imprisonment for the Space of Two Calendar Months, in such Common Gaol or House of Correction as aforesaid, unless he or she shall sooner pay such Second Penalty, and the Costs, Charges, and Expences of such Second Conviction, and executing the same; and for the Third Offence against the Tenor of such Licence or Recognizance, it shall be lawful for any One Justice of the Peace of any County, Riding, City, Liberty, or Town Corporate, or Place wherein such Licence shall be granted, and it is hereby required of him, upon Complaint or Information on Oath that such licensed Person hath committed such Third Offence, to issue a Summons under his Hand and Seal, requiring such Person so complained of or informed against for such last-mentioned Offence to appear at the next General or Quarter Sessions of the Peace for the County, Riding, City, Liberty, Town Corporate or Place wherein the Person so complained of or informed against shall reside, then and there to answer to the Matter of such Complaint or Information, and also to bind the Person or Persons who shall make such Complaint or Information, or any other Person or Persons, in a Recognizance to appear at such General or Quarter Session and give Evidence against such Person so complained of or informed against; and the Justices of the Peace in their General or Quarter Sessions of the Peace shall have Power to direct the Jury which shall attend at such Sessions for the Trial of Traverses, or some other Jury of Twelve honest and substantial Men, to be then and there impannelled by the Sheriff, Bailiff, or other Chief Officer, without Fee

Offending against Condition of Recognizances.

Penalties imposed for First Offence not exceeding 5*l.*

Second Offence not exceeding 10*l.*

Third Offence not exceeding 100*l.*

Fee or Reward, to inquire of the Misdemeanor charged in the said last-mentioned Complaint or Information; and if such Jury shall find that the Person so complained of or informed against hath committed any Act against the Tenor of the said Recognizance, such Act being specified in the said Complaint or Information, and such Person so complained of or informed against having been Twice previously convicted for Offences against the Tenor of the said Licence and Recognizance, it shall and may be lawful for the Court at such General or Quarter Sessions to adjudge such Person guilty of a Third Offence against the Tenor of and a Breach of the said Recognizance, which Verdict and Adjudication shall be final to all Intents and Purposes; and thereupon the said Justices shall have Power and Authority to punish the Party so to be convicted by Fine, not exceeding the Sum of One hundred Pounds, or at the Discretion of the said Court to declare the said Recognizance so entered into by the said Offender to be forfeited, or immediately to adjudge the Licence or Authority granted to such Offender to be forfeited and void; and on such last-mentioned Adjudication on such Verdict, such Licence shall from thenceforth be void accordingly, and every Licence then held by such Offender to sell Spirituous Liquors, Cyder, Perry, or *British* Sweets, shall thereupon also be void; and the said Person, the Condition of whose Recognizance shall be so adjudged to be broken and forfeited, shall from and after such last-mentioned Adjudication be utterly disabled to sell Ale, Beer, Cyder, Perry, Spirituous Liquors, or Strong Waters, for the Space of Three Years, to be computed from the Time of the Offence committed for which such Adjudication shall be pronounced; and any Licence or Licences granted or to be granted to such Person during such Term, to be computed as aforesaid, shall be void and of none effect; provided, that the said Justices may, at the Request of the Prosecutor or Party so complained of or informed against, or either of his or her Sureties, and upon sufficient Cause shewn, adjourn the Hearing and Trial of the said Complaint or Information to the then next General or Quarter Sessions of the Peace, when the same shall be finally determined: Provided always, that no Recognizance under this Act shall be declared to be forfeited, unless upon being directed so to be by the said Court of General or Quarter Sessions, upon such Third Conviction as aforesaid; and provided also, that if such licensed Person or Persons so complained of or informed against for such last-mentioned Offence shall not appear at the next General or Quarter Sessions of the Peace pursuant to the Summons, it shall and may be lawful for the Justices in their General or Quarter Sessions assembled, on Proof of the Service of such Summons, to inquire into the Matter alledged, and on Proof thereof to proceed against the Person or Persons so summoned and not appearing, in the same Manner as if such Person or Persons had appeared pursuant to his, her, or their Recognizance.

Justices may postpone Trials, &c.

Recognizances not forfeited unless declared so by Quarter Sessions.

X. Provided always, and it is hereby declared and enacted, That on every such Enquiry so directed to be made before a Jury as aforesaid, the Production of the Recognizance entered into by the Party complained against, or by his Sureties, and filed with the Clerk of the Peace or Person acting as such, shall be sufficient Evidence of the Fact of such Party so complained against being a Licensed Victualler: Provided always, that if the Jury to be impannelled to try

Production of Recognizance by Clerk of Peace sufficient Evidence of the Person complained of

the Matter of such Complaint or Information shall, on such Trial, find the Party so complained of or informed against not guilty of the Offence so laid to his or her Charge, or if on the Verdict of guilty by such Jury the Court shall adjudge the Offender to be punished by Fine, or by declaring the Recognizance to be forfeited, instead of vacating the Licence of such Offender as aforesaid, the Party so holding or possessing such Licence shall nevertheless, after such Adjudication of not guilty, or Punishment by Fine on a Verdict of guilty, be liable to the same Punishment and Disability as any other Licensed Victualler who shall have been Twice convicted of Offences against the Condition of his or her Recognizance, on any subsequent Complaint or Information and Inquiry thereon at such Court of Sessions, for any Offence in Breach of such Recognizance and Licence, being a licensed Victualler.

XI. And be it further enacted, That in all Cases where Complaint or Information shall be made against any Person so licensed as aforesaid for a Third Offence against the Tenor of his or her Recognizance, the Justices of the Peace before whom such Complaint or Information shall be made shall, if they shall deem such Offence to amount to a Breach of such Recognizance, and they are hereby required, to order the subsequent Proceedings at the Sessions to obtain an Adjudication on such Complaint or Information to be carried on by the Clerk or Clerks, or the Person or Persons acting as such, to the General Annual Meetings of the Justices for licensing Alehouses and Victualling Houses for the Division or Place where such House shall be situated; and such Clerk or Clerks are hereby authorized and required to conduct such Prosecution accordingly; and the Expences attending such Prosecution shall and they are hereby directed to be borne and defrayed out of the Rate or Rates made and levied, or to be made and levied, for the Maintenance of the Poor of the Parish or Place where such Offence shall be committed. Clerks to Justices to be deemed Prosecutors. Expences to be paid out of County Rates.

XII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for Two Justices of the Peace for the Time being of the County or Place where any of the Offences against this Act for the Commission of which pecuniary Penalties are imposed shall be committed, to hear and determine the same Offences in a summary Way, which same Justices of the Peace are hereby authorized and required, upon any Information exhibited or Complaint made in that Behalf to or before them, to summon the Party or Parties accused, and also the Witnesses on either Side (if they shall be required to summon any such Witnesses), and upon the Appearance or Contempt of the Party or Parties accused by not appearing, to proceed to examine and hear the Matter in a summary Way, and also to examine such Witnesses upon Oath as shall be produced therein, (which Oath the said Justices are hereby empowered to give and administer), and to give their Judgment thereon; and in case they shall convict the Party or Parties so accused or complained against of the Offence laid to his, her, or their Charge, and such Party or Parties so convicted shall refuse or neglect to pay the Penalty or Penalties for which he, she, or they shall stand convicted within the Time herein-before mentioned for that Purpose, together with the Costs of such Conviction or Convictions, to be assessed, settled, and ascertained as aforesaid, that then and in every such Case it shall and may Justices may proceed in a summary Way. Persons convicted to be committed for Non-payment of Penalties.

may be lawful for such Justices, and they are hereby authorized and required, to issue their Warrant or Warrants under their Hands and Seals for the apprehending and committing to the Common Gaol or House of Correction as aforesaid every such Offender, for such Time and in such Manner as the Nature of the Offence shall require, according to the Provisions aforesaid and the true Intent and Meaning of this Act.

Penalty on Witnesses not attending when summoned.

XIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence before any such Justices of the Peace touching any of the Matters aforesaid, either on the Part of the Prosecutor or of the Person or Persons accused, and shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed without a reasonable Excuse for such his, her, or their Neglect or Refusal, to be allowed of by such Justices of the Peace, or appearing shall refuse to be examined on Oath and give Evidence before such Justices of the Peace before whom the Prosecution shall be depending, that then every such Person shall forfeit for every such Offence the Sum of Forty Shillings, to be levied and paid in such Manner and by such Means as are herein-before directed as to other pecuniary Penalties.

Securities may be given and taken for the Payment of Penalties.

XIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by the Judgment or Conviction of any Justices of the Peace for any of the Offences aforesaid, for the Commission of which a pecuniary Penalty is annexed, and shall give Security to the Satisfaction of such Justices of the Peace for the Payment of the Penalty, Costs, and Expences to be expressed in the said Conviction, within Twenty-four Hours after the same shall be made, that then and in every such Case after such Security given, and not otherwise, it shall and may be lawful to and for such Offender or Offenders to appeal from and against such Conviction or Convictions to the Justices of the Peace assembled at the next General or Quarter Sessions of the Peace to be held for such County, Riding, Division, Liberty, City, Town, or Place, unless such Sessions of the Peace shall be held within Six Days or less next after such Conviction or Convictions shall be so had or made, and in that Case to the Justices of the Peace to be assembled at the next Sessions after such first-mentioned Sessions, and not afterwards; and that the Justices of the Peace assembled at such Sessions shall thereupon proceed to hear and determine the Matter of every such Appeal, and their Judgment thereon shall be final and conclusive to all Intents and Purposes whatsoever; and the Justices of the Peace so assembled at such Sessions are hereby authorized and required to award such Costs as to them shall appear just and reasonable to be paid by either Party, not exceeding in the whole the Sum of Five Pounds on any one Appeal.

Appeal.

For preventing vexatious Appeals.

XV. And in order to prevent frivolous and vexatious Appeals, be it further enacted by the Authority aforesaid, That a Conviction in the Form or to the Effect following, *mutatis mutandis*, (as the Case shall happen to be) shall be good and effectual to all Intents and Purposes whatsoever, without stating the Case, or the Facts or Evidence in any more particular Manner; (that is to say),

Form of Conviction.

'Middlesex } BE it remembered, That on this Day of
in the Year A. B. of was duly
convicted before us, C. D. and E. F., Two of His Majesty's Justices
of the Peace for the County or City of of an Offence
against the Condition of a Recognizance entered into by the said
A. B. on obtaining a Licence to sell Ale, Beer, or other
exciseable Liquors by Retail, whereby he, she, or they has or have
forfeited the Sum of this being the First [*or* Second
Offence, *as the Case shall happen to be*] besides the Costs and Expences of this Conviction, which Costs and Expences we the said
Justices of the Peace do hereby ascertain and assess at the Sum of
pursuant to the Statute in such Case made and
provided. Given under our Hands and Seals the Day and Year
above written.'

Convictions to be registered and stated as to being the First, Second, or Third Offence.

XVI. And be it further enacted, That on every such Conviction so to be had or made as aforesaid, the Justices of the Peace before whom the same shall be made, shall return the same to the next Quarter Sessions of the Peace to be holden for such County, Riding, Division, Liberty, City, Town Corporate or Place, and the Record of such Conviction shall, unless the same shall be afterwards quashed on Appeal as herein-before directed, be Evidence against the Party thereby convicted in any Prosecution to be instituted against him or her or them for a Third or other Offence, in the Nature of a Third Offence, constituting or to constitute a Breach of the Condition of his, her, or their Recognizance entered into on obtaining a Licence as herein-before directed; and the several Clerks of the Peace to whom such Convictions shall be returned, shall immediately on such Return make or cause to be made a Memorandum or Entry of such Conviction in the Calendar or Register to be kept by them, of the Names and Places of Abode of the several Persons so licensed as aforesaid, and shall in such Entry state whether such Conviction be the First or Second or other subsequent Conviction of the offending Party.

Licences not to be granted to any Person whose House shall not have been previously licensed at a preceding General Annual Meeting of the Justices; unless Notices of Application be given to the Clerk of the Peace, and affixed in the Manner herein directed.

XVII. And be it further enacted, That from and after the Tenth Day of *October* One thousand eight hundred and twenty-three, no Licence or Authority shall be granted to any Person whatever in that Part of the United Kingdom called *England*, by the Justices of the Peace, or Persons acting as such, to retail Ale, Beer, or other exciseable Liquors, in any House or Place which shall not have been used for such Purpose or Purposes by virtue of a Licence which shall have been granted at a preceding General Annual Meeting of the Justices, unless the Person intending to apply for such Licence or Authority shall give Notice in Writing to the Clerk or Clerks to the Justices at such General Meetings, Three Calendar Months prior to the General Annual Meeting of the Justices of the Peace for granting Licences for the Place in which the House shall be situated, for which such Licence shall be applied for, and shall affix or cause to be affixed Three Copies of such Notice, written in a fair and legible Hand, on the principal Door or most conspicuous Part of the House for which such Licence is intended to be applied for, and on the Door of the Church of the Parish in which such House shall be situated, on Three several Days within the Months of *May* or *June* between the Hours

of Ten of the Clock in the Forenoon and of Four of the Clock in the Afternoon, and between each of which Days of affixing such Notices the Space of Seven Days shall elapse; which Notice, and the Copies thereof so to be affixed, shall be signed by the Party interested in such House, and intending to make such Application as aforesaid, or his, her, or their Agent thereunto authorized; and every such Notice shall state and set forth the Situation of the said House in a true and particular Manner, together with the Rate of Building thereof, where any such Rate of Building exists or is prescribed, and the Name, Place of Abode, and Description of the Party so applying, and also the Name and Place of Abode of the Person proposed to be licensed therein; and every Licence to be granted to sell Ale, Beer, or other Liquors by Retail in such new House or other Place, not having been used for any of the Purposes aforesaid by virtue of a Licence granted the preceding Year, without such previous Notice having been given as aforesaid, shall be void to all Intents and Purposes.

Justices not to act as such where personally interested.

XVIII. And whereas it is expedient that Persons empowered to grant Licences by virtue of this Act should not be swayed by Interest in the Execution of such Powers; be it therefore enacted by the Authority aforesaid, That no Justice of the Peace or Magistrate in any County, Riding, City, Liberty, Town Corporate, or Place, in that Part of the United Kingdom called *England*, who is a Brewer, Maltster, Distiller, or Dealer in or Retailer of Ale, Beer, or other exciseable Liquors, or is concerned in Partnership with any Person as a Brewer, Maltster, Distiller, or Dealer in or Retailer of Ale, Beer, or other exciseable Liquors, or shall be the Manager or Agent of or for any House licensed or about to be licensed for any of the Purposes aforesaid, at any of the Time or Times when any of the Powers of this Act are to be executed, shall act in any of the Meetings for granting of any Licence or Licences, Authority or Authorities, or shall convict or join in any Conviction, or in the Determination of any Application for a Licence or Authority to a Person to keep any House not before licensed, or in the Determination of any Appeal directed by this Act; and every Justice of the Peace or Magistrate who shall knowingly or wilfully offend in any of the Premises, shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered by any Person who will sue for the same, within Six Calendar Months after such Offence committed, by Action of Debt or on the Case, or by Bill, Suit, or Information in any of His Majesty's Courts of Record, wherein no Essoign, Protection, or Wager at Law, nor more than One Imparlance shall be allowed; which said Penalty of One hundred Pounds shall be paid, One Moiety thereof to the Person who sues for the same, and the other Moiety to the King's Majesty, His Heirs and Successors.

Penalty on Justices so offending.

Constables, &c. disqualified from holding licensed Houses.

XIX. And be it further enacted, That from and after the Tenth Day of *October* One thousand eight hundred and twenty-three, all and every Person and Persons using and exercising, or that hereafter shall use and exercise the Trade or Business of a licensed Victualler or Alehouse Keeper, or who shall sell Ale, Beer, or other exciseable Liquors by Retail, by virtue of any Licence or Authority, Licences or Authorities, already granted or hereafter to be granted by the Justices

Justices of the Peace in that Part of the United Kingdom called *England*, for so long as he or they shall use and exercise the said Trade or Business, or shall hold such Licence or Licences, Authority or Authorities, and no longer, shall at all Times hereafter be disqualified from serving the Office of Constable, Headborough, Police Officer or Patrole; and if at any Time hereafter any such Person or Persons using the said Trade or Business, or holding and using such Licence or Licences, Authority or Authorities, shall be chosen or elected into the Office of Constable or Headborough, that then such Person or Persons producing such Licence or Authority, or Licences or Authorities, to use and exercise the said Trade of a licensed Victualler or Alehouse Keeper, or to sell Ale, Beer, or other exciseable Liquors by Retail, duly issued pursuant to the Provisions of this Act, or of any other Act, Law, or Charter now in force, to the Person or Persons by whom he shall be so elected or appointed, or by or before whom he shall be summoned, returned, or required to serve or hold the said Office of Constable, shall be absolutely discharged from the same; and such Nomination, Election, Return, or Appointment shall be utterly void and of none Effect, any Order, Custom, Law, or Statute to the contrary in anywise notwithstanding; nor shall any such Person using or exercising the said Trade or Business of a licensed Victualler, or to whom any such Licence or Authority shall be granted for the Purposes aforesaid, while he shall so exercise the said Trade, or hold and use such Licence or Authority, take upon himself, or serve, or execute the Office of Deputy to any Constable already chosen, or hereafter to be chosen and elected to that Office within that Part of the United Kingdom called *England*, on pain of forfeiting, for every Act to be done, committed, or executed by him as or in the Character of Deputy to any such Constable as aforesaid, the Sum of Ten Pounds, to be recovered in Manner herein-before directed by virtue of this Act.

No licensed Person liable to serve as Constable.

Penalty for serving as Constable or Deputy Constable, 10*l.*

XX. And be it further enacted, That from and after the Tenth Day of *October* One thousand eight hundred and twenty-two, all Persons keeping Common Inns, Alehouses, or Victualling Houses, and retailing Ale and Beer, shall sell the same in and from their Houses by a full Ale Quart, Pint, or Half-pint, made of Pewter, sized to the Standard, and stamped or marked to be of due Size according to the Standard, either from the Exchequer or from some City, Town Corporate, Borough, or Market Town, where an Ale Quart, Pint, or Half-pint, made from the said Standard, shall be kept for that Purpose, and shall not retail any Ale or Beer in any other Vessels than such stamped Pewter Ale Quarts, Pints, and Half-pints, unless such Ale or Beer shall have been first measured in and by such stamped Pewter Ale Quart, Pint, or Half-pint, in the Presence of the Guest or Customer purchasing the same, under pain of forfeiting for every Offence a Sum not exceeding Forty Shillings (together with the Costs of Conviction), to be recovered within Thirty Days next after the committing of such Offence, before any Two Justices of the Peace acting for the County or Place in which such Offence shall have been committed, the One Half to be paid to the Person who shall prosecute or sue for the same, and the other Half to the Poor of the Parish or Place where such Offence shall have been committed

Alehouse Keeper to use Standard Measures.

Penalty not exceeding 40*s.*

mitted; and in case of the Nonpayment thereof, they shall cause the same to be levied upon Goods and Chattels of the Offender, by Warrant of Distress under their Hands and Seals.

Brewer to use Casks of full Size.

XXI. And be it further enacted, That from and after the passing of this Act, if any Brewer or Wholesale Dealer in Ale or Beer, in that Part of the United Kingdom called *England*, shall sell and deliver to any Innkeeper, Alehouse Keeper, Victualler, or other Person whomsoever, any Ale or Beer, in Barrels, Casks, or other Vessels which shall not be able to contain the full Quantity of Ale or Beer, for which the said Brewer or Wholesale Dealer in Ale or Beer shall charge the Purchaser thereof, such Brewer or Wholesale Dealer in Ale or Beer shall forfeit and pay a Sum not exceeding Five Pounds for every such Barrel, Cask, or other Vessel so deficient in Size as aforesaid, together with the Costs of Conviction, to be recovered by Information before One Justice of the Peace, within Thirty Days next after the making of such Charge, who, in case of the Nonpayment thereof, shall cause the same to be levied upon the Goods and Chattels of the Party so offending.

Penalty not exceeding 5*l.* for each Cask deficient in Size.

Application of Penalties.

XXII. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed by this Act, and for which no other Means for recovering thereof are hereby provided, may be sued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*; and that One Moiety of all and every Fine, Penalty, or Forfeiture by this Act imposed, and not expressly directed to be otherwise applied, 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.

Act not to extend to the City of London.

XXIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to alter the Time or Times of granting Licences for keeping Common Inns or Alehouses in the City of *London*.

Other Acts not repealed.

XXIV. Provided also, and be it further enacted, That nothing in this Act contained is intended to repeal any former Act or Acts of Parliament made in this Behalf; except only so far as the same or any of the Provisoes and Enactments thereof have been expressly repealed, altered, or amended by the present Act.

Universities not affected.

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or the Powers of the Chancellors or Vice Chancellors of the same, as by Law possessed under the respective Charters of the said Universities.

Duration of Act limited to Three Years.

XXVI. And be it further enacted, That this Act shall commence and take place from the passing thereof, and from thence shall continue and be in force for and during the Term of Three Years, and from thence to the End of the then next Session of Parliament.

Schedule (A).

FORM OF RECOGNIZANCE.

Middlesex, } AT a Meeting of His Majesty's Justices of the Peace acting in and for the Division [*or* Liberty, &c. *as the Case may be,*] held at in the Division [*or* Liberty, &c.] and County aforesaid, on the Day of One thousand eight hundred and *T. S.* at the Sign of, &c. Victualler, acknowledges himself to be indebted to our Sovereign Lord the King, in the Sum of Pounds, *E. F.* of, &c. acknowledges himself to be indebted to Our Sovereign Lord the King in the Sum of Pounds, to be levied upon their several Goods and Chattels, Lands and Tenements, by way of Recognizance to His Majesty's Use, His Heirs and Successors, upon Condition that the said *T. S.* do and shall keep the true Assize in uttering and selling Bread and other Victuals, Beer, Ale, and other Liquors in his, her, or their House, and shall not fraudulently dilute or adulterate the same, and shall not use, in uttering and selling thereof, any Pots or other Measures that are not of full Size, and shall not wilfully or knowingly permit Drunkenness or Tippling, nor get drunk in his, her, or their House or other Premises; nor knowingly suffer any gaming with Cards, Draughts, Dice, Bagatelle, or any other sedentary Game in his, her, or their House, or any of the Outhouses, Appurtenances, or Easements thereto belonging, by Journeymen, Labourers, Servants, or Apprentices; nor knowingly introduce, permit, or suffer any Bull, Bear, or Badger-baiting, Cock-fighting, or other such Sport or Amusement in any Part of his, her, or their Premises; nor shall knowingly or designedly, and with a View to harbour and entertain such, permit or suffer Men or Women of notoriously bad Fame, or dissolute Girls and Boys to assemble and meet together in his, her, or their House, or any of the Premises thereto belonging; nor shall keep open his, her, or their House, nor permit or suffer any drinking or tippling in any Part of his, her, or their Premises during the usual Hours of Divine Service on Sundays; nor shall keep open his, her, or their House or other Premises during late Hours of the Night, or early in the Morning, for any other Purpose than the Reception of Travellers, but do keep good Rule and Order therein according to the Purport of a Licence granted for selling Ale, Beer, or other Liquors by Retail in the said House and Premises for One whole Year, commencing on the Tenth Day of October next, then this Recognizance to be void, or else to remain in full force.

Schedule (B).

AT a General Meeting of His Majesty's Justices of the Peace, acting in and for the Division in the County of holden at within the said Division, on the Day of One thousand eight hundred and for the Purpose of authorizing and empowering Persons to keep Common Inns, Alehouses, or Victualling Houses, we, being of His Majesty's Justices of the Peace acting in and for the said Division and County assembled at the said Meeting, do hereby authorize and empower at the Sign of the in in the Division and County aforesaid having produced the Certificate required by Law to keep a Common Inn, Alehouse, or Victualling House, and to utter and sell in the said House wherein now dwelleth, called or known by the Sign of the and in the Premises thereunto belonging, and not elsewhere, Victuals, and all such exciseable Liquors as shall be licensed 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, provided that the true Assize in Bread, Beer, Ale, Cyder, and all other Liquors, be duly kept; and that the said do not fraudulently dilute or adulterate the same, or sell the same knowing them to have been fraudulently diluted or adulterated, and do not use, in uttering and selling thereof, any Pots or other Measures that are not of full Size, and do not wilfully or knowingly permit Drunkenness or Tippling, or get drunk in House, or other Premises, nor knowingly suffer any gaming with Cards, Draughts, Dice, Bagatelle, or any other sedentary Game, in House, or any of the Outhouses, Appurtenances, or Easements thereto belonging, by Journeymen, Labourers, Servants, or Apprentices; nor knowingly introduce, permit, or suffer any Bull, Bear, or Badger-baiting, Cock-fighting, or other such Sport or Amusement, in any Part of Premises; nor shall knowingly and designedly, and with a view to harbour and entertain such, permit or suffer Men or Women of notoriously bad Fame, or dissolute Girls and Boys, to assemble and meet together in House, or any of the Premises thereto belonging; nor shall keep open House, nor permit or suffer any drinking or tippling in any Part of Premises, during the Hours of Divine Service on Sundays; nor shall keep open House or other Premises during late Hours of the Night or early in the Morning, for any other Purpose than the Reception of Travellers, but that good Order and Rule be maintained and kept therein; the Authority and Power hereby granted to continue in force for One whole Year, from the Tenth Day of October next, and no longer.

Signed

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