# CHAPTER 49.

An Act to amend the Laws relating to the sale and consumption of Intoxicating Liquors. [30th July 1874.]

35 & 36 Vict. c. 94.

WHEREAS it is expedient to amend the Licensing Act, 1872, in this Act referred to as the principal Act:

Be it enacted by the Queen'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, as follows:

*Preliminary.*

Construction and short title of Act. 35 & 36 Vict. c. 94.

**1.** This Act and the principal Act shall, so far as is consistent with the respective tenors of such Acts, be construed as one Act, and may be cited together as "The Licensing Acts, 1872–1874;" but this Act may, if necessary, be cited separately as "The Licensing Act, 1874."

Commencement of Act.

**2.** This Act shall come into operation as to the provisions relating to hours of closing (not being provisions relating to the grant of early-closing licenses), and as to the provision repealing section twenty-four of the principal Act, on the tenth of October one thousand eight hundred and seventy-four, and not before, and as to the remainder, immediately on the passing of this Act.

*Hours of Closing.*

Hours of closing premises licensed for sale of intoxicating liquors.

**3.** All premises in which intoxicating liquors are sold by retail shall be closed as follows; (that is to say,)

(1.) If situate within the metropolitan district,—

(*a*) On Saturday night from midnight until one o'clock in the afternoon on the following Sunday; and

(*b*) On Sunday night from eleven o'clock until five o'clock on the following morning; and

(*c*) On all other days from half an hour after midnight until five o'clock on the same morning; and

(2.) If situate beyond the metropolitan district and in the metropolitan police district or in a town or in a populous place as defined by this Act,—

(*a*) On Saturday night from eleven o'clock until half an hour after noon on the following Sunday; and

(*b*) On Sunday night from ten o'clock until six o'clock on the following morning; and

(*c*) On the nights of all other days from eleven o'clock until six o'clock on the following morning; and

(3.) If situate elsewhere than in the metropolitan district or the metropolitan police district or such town or populous place as aforesaid,—

(*a*) On Saturday night from ten o'clock until half an hour after noon on the following Sunday; and

(*b*) On Sunday night from ten o'clock until six o'clock on the following morning; and

(*c*) On the nights of all other days from ten o'clock until six o'clock on the following morning.

Such premises wherever situate shall, save as herein-after mentioned, be closed on Sunday afternoon from three or half-past two according as the hour of opening shall be one o'clock in the afternoon or half an hour after noon until six o'clock.

Such premises wherever situate shall be closed on Christmas Day and Good Friday and on the days preceding Christmas Day and Good Friday respectively, as if Christmas Day and Good Friday were respectively Sunday, and the preceding days were respectively Saturday, but this provision shall not alter the hours during which such premises shall be closed on Sunday when Christmas Day immediately precedes or succeeds Sunday.

Exemptions as to theatres repealed.

**4.** An exemption from the above-mentioned hours of closing shall not be granted in respect of premises in the neighbourhood of a theatre, for the accommodation of persons attending the same, and so much of the twenty-sixth section of the principal Act as provides for the granting of an order making such exemption shall be repealed.

Exemptions as to beer-houses.

**5.** The grant of an order of exemption under the said twenty-sixth section amended as aforesaid may be made to any person licensed to sell beer or cyder by retail, to be consumed upon the premises, as well as to any licensed victualler or licensed keeper of a refreshment house.

Further exemptions as to beer-houses.

The grant of a license under the twenty-ninth section of the principal Act may be made to any person licensed to sell beer or cyder by retail, to be consumed upon the premises, as well as to any licensed victualler or keeper of a refreshment house in which intoxicating liquors are sold.

Power to vary on Sunday afternoon hours of closing premises for sale of intoxicating liquors.

**6.** Notwithstanding anything in this or in any Local Act contained, the licensing justices may, if they think fit, as respects premises in which intoxicating liquors are sold, when situate in any place beyond the metropolitan district, for the purpose of accommodating the hours of closing on Sunday, Good Friday, and Christmas Day to the hours of public worship in such place, by order direct that such premises shall remain closed until one o'clock in the afternoon instead of half an hour after noon, and in that case such premises shall be closed in the afternoon from three until six o'clock, instead of from half-past two until six o'clock.

Any order made by the licensing justices under this section shall not come into operation until the expiration of one month after the date thereof, and shall be advertised in such manner as the licensing justices direct, and shall be in force until the same is revoked; the expense of any such advertisement may be defrayed in like manner as the expenses of advertising the sittings of such justices are defrayed.

Early-closing licenses.

**7.** Where, on the occasion of any application for a new license, or the removal or renewal of a license which authorises the sale of any intoxicating liquor for consumption on the premises, the applicant applies to the licensing justices to insert in his license a condition that he shall close the premises in respect of which such license is or is to be granted one hour earlier at night than that at which such premises would otherwise have to be closed, the justices shall insert the said condition in such license.

The holder of a license in which such condition is inserted (in this Act referred to as an early-closing license) shall close his premises at night one hour earlier than the ordinary hour at which such premises would be closed under the provisions of this Act, and the provisions of this Act and the principal Act shall apply to the premises as if such earlier hour were the hour at which the premises are required to be closed.

The holder of an early-closing license may obtain from the Commissioners of Inland Revenue any license granted by such Commissioners which he is entitled to obtain in pursuance of such early-closing license, upon payment of a sum representing six sevenths of the duty which would otherwise be payable by him for a similar license not limited to such early closing as aforesaid. In calculating the six sevenths fractions of a penny shall be disregarded.

The notice which a licensed person is required by section eleven of the principal Act to keep painted or fixed on his premises shall, in the case of an early-closing license, contain such words as the licensing justices may order for giving notice to the public that an early-closing license has been granted in respect of such premises.

Remission of duty in case of six-day and early-closing license.

**8.** A person who takes out a license containing conditions rendering such license a six-day license, as well as an early-closing license, shall be entitled to a remission of two sevenths of the duty.

Penalty for infringing Act as to hours of closing.

**9.** Any person who—

During the time at which premises for the sale of intoxicating liquors are directed to be closed by or in pursuance of this Act, sells or exposes for sale in such premises any intoxicating liquor, or opens or keeps open such premises for the sale of intoxicating

liquors, or allows any intoxicating liquors although purchased before the hours of closing to be consumed in such premises,—

shall for the first offence be liable to a penalty not exceeding ten pounds, and for any subsequent offence to a penalty not exceeding twenty pounds.

Saving as to bonâ fide travellers and lodgers.

**10.** Nothing in this Act or in the principal Act contained shall preclude a person licensed to sell any intoxicating liquor to be consumed on the premises from selling such liquor at any time to bonâ fide travellers or to persons lodging in his house: Provided, that no person holding a six-day license shall sell any intoxicating liquor on Sunday to any person whatever not lodging in his house.

Nothing in this Act contained as to hours of closing shall preclude the sale at any time, at a railway station, of intoxicating liquors to persons arriving at or departing from such station by railroad.

If in the course of any proceedings which may be taken against any licensed person for infringing the provisions of this Act or the principal Act, relating to closing, such person (in this section referred to as the defendant) fails to prove that the person to whom the intoxicating liquor was sold (in this section referred to as the purchaser) is a bonâ fide traveller, but the justices are satisfied that the defendant truly believed that the purchaser was a bonâ fide traveller, and further that the defendant took all reasonable precautions to ascertain whether or not the purchaser was such a traveller, the justices shall dismiss the case as against the defendant, and if they think that the purchaser falsely represented himself to be a bonâ fide traveller, it shall be lawful for the justices to direct proceedings to be instituted against such purchaser under the twenty-fifth section of the principal Act.

A person for the purposes of this Act and the principal Act shall not be deemed to be a bonâ fide traveller unless the place where he lodged during the preceding night is at least three miles distant from the place where he demands to be supplied with liquor, such distance to be calculated by the nearest public thoroughfare.

Hours of closing night houses.

**11.** Whereas by the Act of the session of the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, chapter sixty-four, it is provided that no persons within the limits of that Act shall open or keep open any refreshment house, to which that Act so far as it is unrepealed applies, or sell or expose for sale or consumption in any such refreshment house any refreshments or any article whatsoever between the hours of one and four o'clock in the morning: And whereas it is expedient to amend the provisions of the said Act: Be it therefore enacted, that the said Act, so far as it is unrepealed, shall be construed as if there were substituted therein for the hour of one o'clock in the morning the hour of the night or morning at which premises licensed for the sale of intoxicating liquors by retail situate in the same place as such refreshment house are required to be closed, and as if the whole of England were within the limits of the Act, and as if the expression "district" in the Act included any place in which such refreshment house is situate.

*Record of Convictions and Penalties.*

Mitigation of penalties.

**12.** The sixty-seventh section of the principal Act is hereby repealed, and in lieu thereof be it enacted, that where any person holding a license under this or the principal Act is convicted of any offence against this or the principal Act, or against any of the Acts recited or mentioned therein, the Court may not, except in the case of a first offence, reduce the penalty to less than twenty shillings, nor shall the penalty, whether of excise or police, be reduced in any case to less than the minimum authorised by any other Act.

Record of convictions on licenses.

**13.** Where any licensed person is convicted of any offence against the principal Act which by such Act was to have been or might have been endorsed upon the license, or of any offence against this Act, the court before whom the offender is brought shall cause the register of licenses in which the license of the offender is entered, or a copy of the entries therein relating to the license of the offender, certified in manner prescribed by section fifty-eight of the principal Act, to be produced to the court before passing sentence, and after inspecting the entries therein in relation to the license of the offender, or such copy

thereof as aforesaid, the court shall declare, as part of its sentence, whether it will or will not cause the conviction for such offence to be recorded on the license of the offender, and if it decide that such record is to be made, the same shall be made accordingly.

A declaration by the court that a record of an offence is to be made on a license shall be deemed to be part of the conviction or order of the court in reference to such offence, and shall be subject accordingly to the jurisdiction of the court of appeal.

A direction by the court that a conviction for an offence is to be recorded on the license of the offender shall, for the purposes of the principal Act, be deemed equivalent to a direction or requirement by the Act that such conviction is to be recorded; and all the provisions of the principal Act importing that convictions are required or directed by the Act to be recorded on the license of an offender shall be construed accordingly.

Record of conviction for adulteration.

**14.** Where a licensed person is convicted of any offence against the provisions of any Act for the time being in force relating to the adulteration of drink, such conviction shall be entered in the proper register of licenses, and may be directed to be recorded on the license of the offender in the same manner as if the conviction were for an offence against this Act, and when so recorded shall have effect as if it had been a conviction for an offence against this Act.

Temporary continuance of licenses forfeited for single offences.

**15.** Where any licensed person is convicted for the first time of any one of the following offences,—

1. Making an internal communication between his licensed premises and any unlicensed premises;
2. Forging a certificate under the Wine and Beerhouse Acts, 1869 and 1870;
3. Selling spirits without a spirit license;
4. Any felony;

and in consequence either becomes personally disqualified or has his license forfeited, there may be made by or on behalf of the owner of the premises an application to a court of summary jurisdiction for authority to carry on the same business on the same premises until the next special sessions for licensing purposes, and a further application to such next special sessions for the grant of a license in respect of such premises, and for this purpose the provisions contained in the Intoxicating Liquor Licensing Act, 1828, with respect to the grant of a temporary authority and to the grant of licenses at special sessions shall apply as if the person convicted had been rendered incapable of keeping an inn, and the person applying for such grant was his assignee.

*Regulations as to entry on Premises.*

Constable to enter on premises for enforcement of Act.

**16.** Any constable may, for the purpose of preventing or detecting the violation of any of the provisions of the principal Act or this Act which it is his duty to enforce, at all times enter on any licensed premises, or any premises in respect of which an occasional license is in force.

Every person who, by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable in the execution of his duty demanding to enter in pursuance of this section, shall be liable to a penalty not exceeding for the first offence five pounds, and not exceeding for the second and every subsequent offence ten pounds.

Search warrant for detection of liquors sold or kept contrary to law.

**17.** Any justice of the peace, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor is sold by retail or exposed or kept for sale by retail at any place within his jurisdiction, whether a building or not, in which such liquor is not authorised to be sold by retail, may in his discretion grant a warrant under his hand, by virtue whereof it shall be lawful for any constable named in such warrant, at any time or times within one month from the date thereof, to enter, and, if need be by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor therein, and seize and remove any intoxicating liquor found therein which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor; and in

the event of the owner or occupier of such premises being convicted of selling by retail or exposing or keeping for sale by retail any liquor which he is not authorised to sell by retail, the intoxicating liquor so seized and the vessels containing such liquor shall be forfeited.

When a constable has entered any premises in pursuance of any such warrant as is mentioned in this section, and has seized and removed such liquor as aforesaid, any person found at the time on the premises shall, until the contrary is proved, be deemed to have been on such premises for the purpose of illegally dealing in intoxicating liquor, and be liable to a penalty not exceeding forty shillings.

Any constable may demand the name and address of any person found on any premises on which he seises or from which he removes any such liquor as aforesaid, and if he has reasonable ground to suppose that the name or address given is false may examine such person further as to the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or to answer satisfactorily the questions put to him by the constable, apprehend him without warrant and carry him as soon as practicable before a justice of the peace.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false information with respect to such name and address, shall be liable to a penalty not exceeding five pounds.

*Occasional Licenses.*

Occasional license required at fairs and races.

**18.** Any person selling or exposing for sale any intoxicating liquor in any booth, tent, or place within the limits of holding any lawful and accustomed fair or any races without an occasional license authorising such sale shall, notwithstanding anything contained in any Act of Parliament to the contrary, be deemed to be a person selling or exposing for sale by retail intoxicating liquor at a place where he is not authorised by his license to sell the same, and be punishable accordingly.

Provided that this section shall not apply to any person selling or exposing for sale intoxicating liquors in premises in which he is duly authorised to sell the same throughout the year, although such premises are situate within the limits aforesaid.

Occasional licenses,— extension of time for closing.

**19.** Whereas by the twentieth section of the Act of the session of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter thirty-three, it is provided that the hours during which an occasional license shall authorise the sale of any beer, spirits, or wine shall extend from sunrise until one hour after sunset: Be it enacted, that the said section shall be construed as if in place of the words "sunrise until one hour " after sunset" there were inserted the words "such hour not earlier than sunrise until " such hour not later than ten o'clock at night as may be specified in that behalf in the " consent given by the justice for the granting of such occasional license."

Offences on premises with occasional license.

**20.** For the purpose of so much of the principal Act as relates to offences against public order, that is to say, sections twelve to eighteen, both inclusive, and the sections for giving effect to the same, a person taking out an occasional license shall be deemed to be a licensed person within the meaning of the said sections, and the place in which any intoxicating liquors are sold in pursuance of the occasional license shall be deemed to be licensed premises, and to be the premises of the person taking out such license.

*Miscellaneous.*

Supply of deficiency in quota of borough justices on joint committee.

**21.** Where from any reason there are not for the time being three qualified borough justices to form the quota of a joint committee for such borough, in pursuance of section thirty-eight of the principal Act, the deficiency in number of such borough justices shall be supplied by qualified county justices to be appointed by the county licensing committee.

Provisional grant and confirmation of licenses to new premises.

**22.** Any person interested in any premises about to be constructed or in course of construction for the purpose of being used as a house for the sale of intoxicating liquors to be consumed on the premises may apply to the licensing justices and to the confirming

authority for the provisional grant and confirmation of a license in respect of such premises; and the justices and confirming authority, if satisfied with the plans submitted to them of such house, and that if such premises had been actually constructed in accordance with such plans they would, on application, have granted and confirmed such a license in respect thereof, may make such provisional grant and order of confirmation accordingly.

A provisional grant and order of confirmation shall not be of any validity until it has been declared to be final by an order of the licensing justices made after such notice has been given as may be required by the justices at a general annual licensing meeting or a special sessions held for licensing purposes. Such declaration shall be made if the justices are satisfied that the house has been completed in accordance with such plans as aforesaid, and are also satisfied that no objection can be made to the character of the holder of such provisional license.

A provisional grant and confirmation of a license shall be subject to the same conditions as to the giving of notices and generally as to procedure to which such grant and confirmation would be subject if they respectively were not provisional, with this exception, that where a notice is required to be put up on a door of a house such notice may be put up in a conspicuous position on any part of the premises.

This section shall, with the necessary variations, extend to the provisional removal to any premises of an existing license under section fifty of the principal Act.

One license of justices may extend to several excise licenses.

**23.** Separate licenses of justices shall not be required in the case of separate excise licenses, and a license of justices shall comprehend a permission to the licensee to take out as many excise licenses as may be specified in such license of the justices.

License to sell liquor not to be consumed on the premises.

**24.** A license to sell any intoxicating liquor for consumption only off the premises shall not require confirmation by any authority.

Joint committee to make rules under s. 43 of principal Act.

**25.** Where the confirming authority is a joint committee, that committee shall make rules in pursuance of section forty-three of the principal Act as to the proceedings to be adopted for the confirmation of new licenses, and as to the costs of such proceedings, and the persons by whom such costs are to be paid.

Notices of adjourned brewster sessions and of intention to oppose.

**26.** Whereas by section forty-two of the principal Act it is enacted that a licensed person applying for the renewal of his license need not attend in person at the general annual licensing meeting unless he is required by the licensing justices so to attend: Be it enacted, that such requisition shall not be made, save for some special cause personal to the licensed person to whom such requisition is sent.

It shall not be necessary to serve copies of notices of any adjournment of a general annual licensing meeting on holders of licenses or applicants for licenses who are not required to attend at such adjourned annual general licensing meeting.

A notice of an intention to oppose the renewal of a license served under section forty-two of the principal Act shall not be valid unless it states in general terms the grounds on which the renewal of such license is to be opposed.

No appeal to quarter sessions in certain cases.

**27.** There shall be repealed so much of section eight of the Wine and Beerhouse Act, 1869, as incorporates or applies any repealed enactment, and no appeal shall be had to quarter sessions from any act of any justice with respect to the grant of new certificates under the Wine and Beerhouse Acts, 1869 and 1870.

Substitution of licensing justices for Commissioners of Inland Revenue as respects certain notices.

**28.** Whereas by section eleven of the principal Act it is provided that every licensed person shall cause to be painted or fixed, and shall keep painted or fixed, on the premises in respect of which his license is granted, in a conspicuous place and in such form and manner as the Commissioners of Inland Revenue may from time to time direct, his name, with such additions as in the said Act mentioned: And whereas it is expedient to substitute in the said section the licensing justices for the Commissioners of Inland Revenue: Be it therefore enacted—

That in the said eleventh section the expression "licensing justices" shall be deemed to be substituted for the expression "Commissioners of Inland Revenue," and the word "justices" for the word "Commissioners."

Definition of term "owner."

**29.** Any person possessing an estate or interest in premises licensed for the sale of intoxicating liquors, whether as owner, lessee, or mortgagee, prior or paramount to that of the immediate occupier, shall, on payment of a fee of one shilling to the clerk of the licensing justices, be entitled to be registered as owner or one of the owners of such premises: Provided, that when such estate or interest is vested in two or more persons jointly, one only of such persons shall be registered as representing such estate or interest.

Person not to be liable for supplying liquor to private friends without charge.

**30.** No person keeping a house licensed under this or the principal Act shall be liable to any penalty for supplying intoxicating liquors, after the hours of closing, to private friends bonâ fide entertained by him at his own expense.

Additional retail license may be granted at special sessions for licensing.

**31.** An additional retail license to sell beer for consumption off the premises may be granted at any special sessions for licensing purposes to the holder of a strong beer dealer's wholesale excise license, in the same manner and subject to the same conditions in and subject to which it might be granted at any general annual licensing meeting.

*Definitions and Repeal.*

Definitions.

**32.** In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after respectively assigned to them; that is to say,

"The metropolitan district." "The metropolitan district" means the area in that behalf mentioned in the schedule hereto.

"Town." "Town" means an urban sanitary district as described for the purposes of the Public Health Act, 1872; and any collection of houses adjacent to a town as so defined shall, for the purpose of the provisions of this Act with respect to the closing of premises, be deemed to be part of such town after it has been declared so to be by an order of the county licensing committee having jurisdiction in the place where such houses are situated: Provided that no urban sanitary district, whether including such adjacent houses or not, shall be deemed a town, unless it contains one thousand inhabitants.

"Populous place." "Populous place" means any area with a population of not less than one thousand, which by reason of the density of such population the county licensing committee may by order determine to be a populous place.

At a meeting especially convened for that purpose in manner provided by any regulations in that behalf, or in default of such regulations by the clerk of the peace, as soon as may be after the passing of this Act, and not later than the first day of September one thousand eight hundred and seventy-four, the county licensing committee shall consider all the cases within their jurisdiction with respect to which it is incumbent upon them to make orders in pursuance of this section, and they shall make orders accordingly, and shall specify therein the boundaries of such towns or populous places.

The county licensing committee may adjourn any meeting held in pursuance of this section, and may also at any subsequent meeting especially convened for that purpose make with respect to any town or populous place within their jurisdiction any like order not restrictive of any order previously made.

Provided that as soon as may be after the publication of each census the county licensing committee shall, at a meeting to be specially convened for the purpose, revise the orders then in force within their jurisdiction, constituting areas either parts of towns or populous places, and may alter or cancel any of the said orders or may make such further orders, if any, as they shall deem necessary to give effect to the provisions of this Act.

"Occasional license." "Occasional license" means a license to sell beer, spirits, or wine granted in pursuance of the thirteenth section of the Act passed in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter twenty-two, and section five of the Act of the twenty-seventh year of the reign of Her present Majesty, chapter eighteen, and the Acts amending the same in relation to the licenses therein mentioned, or of any of such Acts.

"A new license" means a license for the sale of any intoxicating liquor granted at a general annual licensing meeting in respect of premises in respect of which a similar license has not theretofore been granted. "A new license."

**33.** There are hereby repealed the sections of the principal Act relating to the following matters; that is to say, Repeal.

(1.) Sections nineteen to twenty-two, both inclusive, relating to adulteration, and the first schedule to the principal Act;
(2.) Section twenty-four, relating to hours of closing; and
(3.) Section thirty-five, relating to entry on premises by constables; and
(4.) So much of sections five, six, thirteen, fourteen, sixteen, seventeen, and twenty-eight as relates to the records of convictions on licenses, and of section seventy-four as contains the definition of a town for the purposes of the provisions with respect to closing and of a new license.
(5.) The last paragraph of section fifty-six, beginning with the words "In a county the justices" to the end of the section.

Provided that the repeal enacted in this Act shall not affect—
(1.) Anything duly done or suffered under any enactment hereby repealed:
(2.) Any right or privilege acquired or any liability incurred under any enactment hereby repealed:
(3.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence against any enactment hereby repealed.

## SCHEDULE.

METROPOLITAN DISTRICT.

The city of London or the liberties thereof, or any parish or place for the time being subject to the jurisdiction of the Metropolitan Board of Works, or within the area contained within a circle the radius of which is four miles from Charing Cross.

# CHAPTER 50.

## An Act to amend the Married Women's Property Act (1870).

[30th July 1874.]

WHEREAS it is not just that the property which a woman has at the time of her marriage should pass to her husband, and that he should not be liable for her debts contracted before marriage, and the law as to the recovery of such debts requires amendment:

Be it enacted by the Queen'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, as follows:

**1.** So much of the Married Women's Property Act, 1870, as enacts that a husband shall not be liable for the debts of his wife contracted before marriage is repealed so far as repects marriages which shall take place after the passing of this Act, and a husband and wife married after the passing of this Act may be jointly sued for any such debt. Husband and wife may be jointly sued for her debts before marriage.

**2.** The husband shall, in such action and in any action brought for damages sustained by reason of any tort committed by the wife before marriage or by reason of the breech of any contract made by the wife before marriage, be liable for the debt or damages respectively to the extent only of the assets herein-after specified; and in addition to any other plea or pleas may plead that he is not liable to pay the debt or damages in respect of any such assets as herein-after specified; or, confessing his liability to some amount, that he Extent to which husband liable.