



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

C A P. LXXXIX.

An Act to amend the Laws for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation, in *Ireland*.
[10th *August* 1854.]

WHEREAS an Act was passed in the Session holden in the Second and Third Years of Her Majesty, intituled *An Act for the better Prevention of the Sale of Spirits by unlicensed Persons in Ireland*, and certain of the Provisions therein were temporary, and have been continued to the Twenty-fourth Day of *August* One thousand eight hundred and fifty-four: And whereas it is expedient to make further Provision for the better Prevention of the Sale of Spirits by unlicensed Persons in *Ireland*: Be it therefore 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:

I. This Act shall commence from the Twenty-fourth Day of *August* One thousand eight hundred and fifty-four; and from that Day so much of the said Act of the Second and Third Years of Her Majesty as shall not have expired shall be repealed.

8 H

Act to
commence
24th August
1854, and
2 & 3 Vict.
c. 79.
II. It repealed.

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Justices to
grant War-
rant for the
Seizure of
Spirits found
in Places not
being
licensed.

II. It shall and may be lawful for any One or more Justice or Justices of the Peace, whether in or out of Petty Sessions, upon being satisfied by the personal Examination on Oath of a credible Witness that there is reasonable Ground for suspecting that Spirits are sold, kept for Sale, or exposed for Sale in any House or Place within the County, not licensed for the Sale thereof, or by some Person not having a Licence to sell Spirits in or at such House or Place, or that illicit Spirits are kept for Sale in or at any House or Place, to grant a Warrant under his or their Hand or Hands, authorizing within the Police District of *Dublin* Metropolis any Superintendent or Inspector of Police, or in any other Part of *Ireland* any Sub-Inspector, Head or other Constable of Constabulary, with his Assistants respectively, to enter such House or Place at all Times, to search for Spirits, and if any Spirits shall be found in such House or Place exceeding One Gallon, without a Permit or other legal Authority justifying the keeping thereof, or any Spirits in any Quantity whatsoever, the full Duties whereon shall not have been duly paid, shall be found in such House or Place, to seize such Spirits together with the Vessel in which the same are contained; and such Warrant shall continue in force for One Month from the Date thereof, and shall be a sufficient Authority to the Superintendent, Inspector, Sub-Inspector, Head or other Constable therein named, and his Assistants respectively, such Assistants being Members of the Constabulary Force, in his Presence to enter into such House or Place, and seize all such Spirits as aforesaid and the Vessel containing the same, and to carry away and deliver the same to some Revenue Officer; and the Person on whose Premises such Spirits shall be found as aforesaid shall on Conviction be liable —

For the First Offence, to a Fine not exceeding Five Pounds nor less than Two Pounds, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Months nor less than One Month:

And for the Second and every subsequent Offence, to a Fine not exceeding Ten Pounds nor less than Five Pounds, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Six Months nor less than Three Months:

And all such Spirits and the Vessels containing the same so seized as aforesaid shall be forfeited.

Penalty on
Persons sell-
ing Spirits,
&c. without
Licence.

III. Every Person, not being duly licensed to sell Wine, Spirits, Beer, Ale, Cider, or Perry, who shall sell, or keep for Sale, or expose for Sale, any Wine, Spirits, Beer, Ale, Cider, or Perry, shall for every such Offence be liable—

For the First Offence, to a Fine not exceeding Two Pounds nor less than Five Shillings, or to be imprisoned, with or without Hard Labour, for any Term not exceeding One Month nor less than One Week:

And

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And for the Second and every subsequent Offence, to a Fine not exceeding Five Pounds nor less than Twenty Shillings, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Months nor less than One Month :

And for the Purpose of any such Conviction it shall be sufficient to prove that Wine, Spirits, Beer, Ale, Cider, or Perry was kept for Sale or exposed for Sale by such Person or on his Premises, or had been illegally consumed on such Premises, at any Time within Two Months preceding such alleged Offence ; and if any Person be found drunk in such House, or having the Appearance of having been recently drinking it shall be deemed Evidence of his having been drinking in such House, and of the unlawful Consumption of Wine, Spirits, Beer, Ale, Cider, or Perry, unless the contrary be proved.

IV. If any Superintendent, Inspector, or Serjeant of the *Dublin* Metropolitan Police, or any Sub-Inspector, Head or other Constable of Constabulary, or other credible Witness, shall make Oath in Writing before a Justice of the Peace that the said Superintendent, Inspector, Serjeant, Sub-Inspector, Head or other Constable, or credible Witness, has good Reason to believe that Wine, Spirits, Beer, Ale, Cider, or Perry are retailed or sold without a Licence, or kept for Sale without Licence, in any Room, House, or other Place, it shall be lawful for such Justice to grant a Warrant authorizing, within the Police District of *Dublin* Metropolis, any Superintendent, Inspector, or Serjeant of Police, and in any other Part of *Ireland* any Sub-Inspector, Head or other Constable of Constabulary, with his Assistants respectively, to enter into any such Room, House, or other Places as aforesaid at all Times, and such Warrant shall continue in force for One Month from the Date thereof ; and if any Person shall be found to be drinking or tippling, or having the Appearance of having been recently drinking or tippling, on such unlicensed Premises, such Person may be summoned before the Justices of the Peace in Petty Sessions, or Divisional Justices of the Metropolitan Police District of *Dublin*, as the Case may be, or may be lawfully apprehended and brought, so soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law, and upon Conviction of his having been so drinking or tippling on such unlicensed Premises shall be liable—

Justices empowered to grant Warrant for entering unlicensed Premises.

Penalty on Persons found therein.

For the First Offence, to a Fine not exceeding Five Shillings nor less than Two Shillings and Sixpence, or to be imprisoned, with or without Hard Labour, for any Time not exceeding Twenty-four Hours nor less than Twelve Hours from the Time of his Conviction :

And for the Second and every subsequent Offence, to a Fine not exceeding Ten Shillings nor less than Five Shillings, or to be imprisoned as aforesaid for any Time not exceeding One Week nor less than Three Days :

And

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And in all Cases where such Person shall be found drinking or tippling, or having the Appearance of having been recently drinking or tippling, on such unlicensed Premises, it shall be lawful for any such Superintendent, Inspector, Serjeant, Sub-Inspector, Head or other Constable, and his Assistants respectively, to seize any Quantity of Wine, Spirits, Beer, Ale, Cider, or Perry found on such Premises, together with the Vessel containing the same, and all Vessels, Jugs, or Glasses used in the Sale or Consumption thereof, and on Conviction of any such Person so found as aforesaid such Spirits, Wine, Beer, Ale, Cider, or Perry, Vessels, Jugs, and Glasses, so seized, shall be forfeited, and shall be delivered to some Revenue Officer.

Penalty on
Persons
delaying or
refusing Ad-
mittance to
Justice, &c.

V. If any Person occupying any House or Place, or any Person aiding or assisting such Occupier, on Demand made of Entrance by any Justice of the Peace, or Superintendent, Inspector, or Serjeant of Police, Sub-Inspector, Head or other Constable respectively, and on his stating that he seeks to enter by virtue of his Office as a Justice of the Peace, or by the Authority of a Warrant from a Justice of the Peace (which Warrant he shall produce when required so to do), shall delay or refuse to admit such Justice, Superintendent, Inspector, Serjeant, Sub-Inspector, Head or other Constable, or his Assistants respectively, into such House or Place for the Purpose of executing such Warrant as aforesaid, such Person shall forfeit and pay a Sum not exceeding the Sum of Two Pounds nor less than Ten Shillings, or be imprisoned for any Term not exceeding One Fortnight nor less than One Week, unless Proof shall be made to the Satisfaction of the Justice or Justices who may hear the Complaint that there was reasonable Cause for giving such Delay or Refusal: Provided always, that for the Purpose of such Conviction as last aforesaid, Proof to the Satisfaction of the Justice who may hear the Complaint that Spirits were sold or kept or exposed for Sale in such Room, House, or Place where such Person was so found therein shall be sufficient Evidence that no Licence then existed for selling Spirits, unless the contrary be proved.

Constabulary to stop
Spirits in
transitu, and
demand and
date Permits.

VI. As to Spirits *in transitu* or Process of Removal from one Place to another, it shall and may be lawful for any County Inspector, Sub-Inspector, Head or other Constable of Constabulary, to demand from any Person having in his Custody or Possession any Spirits in any Quantity whatsoever exceeding One Gallon a proper Permit or Certificate authorizing the Removal of such Spirits, and on the Production of any such Permit or Certificate to endorse the same with his own Name, together with the Place, Date, and Time of such Endorsement; and in case no Permit or Certificate shall be produced, or any Permit the Limitation of which shall have expired, it shall be lawful for such County Inspector, Sub-Inspector, Head or other Constable, to seize such Spirits, together with the Vessel containing

Power to
seize Spirits,
&c. in case
no Permit
produced.

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containing the same, and the Horse or other Cattle, and Cart or other Carriage, used in the Removal thereof, and to arrest the Person in whose Possession or Custody the same shall have been found, and to convey him, as soon as conveniently may be, before a Justice of the Peace, to be dealt with as herein directed; and the Person in whose Possession or Custody such Spirits shall have been found without such Permit or Certificate, or with any Permit the Limitation of which shall have expired, shall be liable—

For the First Offence, to a Penalty not exceeding Five Pounds nor less than Twenty Shillings, or to be imprisoned, with or without Hard Labour, for a Term not exceeding Three Months nor less than One Month :

And for the Second and every subsequent Offence, to a Penalty not exceeding Ten Pounds nor less than Forty Shillings, or to be imprisoned as aforesaid for a Term not exceeding Six Months nor less than Two Months.

VII. Nothing herein contained shall extend to prohibit any Person or Persons duly licensed under any Act or Acts relating to the Excise Laws in *Ireland* to carry on his Trade or Business, for which he shall be so licensed as aforesaid, in Booths, Tents, or other Places, at the Time and Place and within the Limits of holding any lawful and accustomed Fair, or at any public Races, or shall authorize the Seizure of Wine, Spirits, Beer, Ale, Cider, or Perry in any such Booth, Tent, or other Place, within the Limits aforesaid, in which such Person so licensed shall so carry on his Trade, or the taking or apprehending of any Person therein at any Time or Hour during which the Sale of Spirits is not prohibited by Law.

Persons duly licensed may sell Spirits, &c. at public Races, &c.

VIII. All Proceedings under this Act shall be conducted, and all Penalties imposed and Costs awarded under this Act shall be sued for, levied, and recovered, and any Conviction under this Act shall be appealed from, as by the “Petty Sessions (*Ireland*) Act, 1851,” is directed, provided, and enacted, except where otherwise specially exempted or provided for in the said Act and this Act, anything in any former Act or Acts to the contrary notwithstanding.

Proceedings to be had under the Petty Sessions Act, 1851.

IX. From and after the Commencement of this Act, every Person who shall apply for a Certificate to obtain an Excise Licence, under or by the Authority of any Act or Acts for the Sale of Wine, Spirits, Beer, Ale, Cider, or Perry by Retail in *Ireland*, to be drank or consumed on the Premises or elsewhere, shall, Twenty-one Days at least before the Quarter Sessions at which such Application is intended to be made, give Notice in Writing to the Sub-Inspector of the District in which he resides, or in his Absence to the Head Constable, or if in the Metropolitan *Dublin* Police District to the Superintendent of Police of the Division in which such Person resides, stating the

Persons applying for Excise Licence to give Notice to Constabulary Officer and Superintendent of Police.

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Intention of such Person to make such Application, and setting forth his Place of Residence, the Situation and Place of the House where such Wines, Spirits, Beer, Ale, Cider, or Perry are to be sold, and the Names and Places of Abode of the Persons whom such Person requiring such Certificate proposes as Sureties.

Constabulary Officer or Superintendent of Police may object to the Issue of Certificate.

X. The Sub-Inspector of the District, or in his Absence the Head Constable, or if in the Metropolitan *Dublin* Police District the Superintendent of Police of the Division, shall be and is hereby authorized to object to such Certificate before the Justices at the Quarter Sessions or Recorder, as the Case may be, and the Justices or Recorder shall proceed to consider, examine on Oath into, and adjudicate upon the Truth, Sufficiency, and Validity of such Objection; and it shall be lawful to require the Applicant to answer whether he belongs to any unlawful Society or not, but any Admission by such Applicant is not to be used in Evidence in any Prosecution against the Party making it; and if such Justices or Recorder shall be satisfied of the Truth and Sufficiency of such Objection, they may prohibit such Certificate to be issued, in like Manner as they are authorized to do according to Law.

Excise Officer not to grant a Renewal Licence without Certificate of Justices.

XI. From and after the Commencement of this Act, it shall not be lawful for any Officer of Excise in *Ireland* to grant a Renewal of any such Licence as aforesaid to any Person applying for such Renewal at and for the same House as shall have been licensed in the Year last immediately preceding, and whose Licence shall not have been withdrawn or annulled, without such Person producing a Certificate, signed by Two or more Justices of the Peace presiding at the Petty Sessions of the District in which such Person resides, or if in the *Dublin* Metropolitan Police District by a Divisional Justice of the District in which such Person resides, to the good Character of such Person, and to the peaceable and orderly Manner in which such House had been conducted in the past Year.

For removing Doubts as to Right of Entry under the Act 8 & 9 Vict. c. 64.

XII. And whereas by the Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter Sixty-four, intituled *An Act to amend certain Regulations respecting the Retail of Spirits in Ireland*, Power is given to any Justice of the Peace, or any Chief or other Constable or Overseer, within the Limits of his Jurisdiction, to enter into any House or Place kept open for the Sale of Spirits to be consumed elsewhere than in such House or Place: And whereas Doubts have arisen as to whether the Right of Entry extends to every Part of such House or Place, or only to the particular Part entered as licensed for such Sale of Spirits in the Books of the Inland Revenue Department:

From and after the Commencement of this Act, the Words "Chief or other Constable" shall be construed to mean and include any County Inspector,

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Inspector, Sub-Inspector, Head or other Constable of Constabulary, or any Superintendent, Inspector, or Constable of the *Dublin* Metropolitan Police; and the Words "House or Place" in this and the aforesaid Act, or any other Act or Acts relating to the Sale of Spirits, Wine, Beer, Ale, Cider, or Perry in *Ireland*, shall be construed to mean and to extend to every Room, Closet, Cellar, Yard, Stable, Outhouse, Shed, or any other Place whatsoever of, belonging, or in any Manner appertaining to such House or Place; and whatever particular Part of such House or Place shall be entered in the said Books of the said Inland Revenue Department as licensed under the said Act of the Eighth and Ninth Years of Her Majesty, or any other Acts relating to the Sale of Spirits, Wine, Beer, Ale, Cider, or Perry, as aforesaid, it shall be lawful for any such Justice of the Peace, Chief or other Constable, or Overseer, or any Officer of Excise, with their Assistants respectively, to enter every Room, Closet, Cellar, Yard, Stable, Outhouse, Shed, or any other Place whatsoever belonging to such House or Place.

Definition
of Terms
"House or
Place."

Definition of
Entry in
Books of
Inland
Revenue
Department.

XIII. And for the better Prevention and Suppression of Offences against the Laws relating to illicit Distillation in *Ireland*, from and after the passing of this Act, whenever and from Time to Time as often as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall see fit so to order and direct, it shall and may be lawful for the County Inspector, Sub-Inspector, Head or other Constable within any County, County of a City, or County of a Town, or in any One or more Barony or Baronies or Half Barony or Half Baronies in such County at large, or any Part or Parts or District or Districts of any such County or County of a City or County of a Town named in any Order issued in that Behalf, to exercise all the Powers and Authorities and to have and possess all the Privileges granted to Officers of Excise by an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits* in *Ireland*, in searching for private Stills, Wort, Wash, Potale, Low Wines or Singlings, or Spirits, and Corn and Grain making into Malt, and in arresting and detecting Persons discovered in the Place where private making of Wort, Wash, or Potale, or Distillation of Spirits or making of Malt, is carrying on, as fully and effectually as if the Clauses in the said Act had been repeated and re-enacted in the Body of this Act, and made to apply to such County Inspector, Sub-Inspector, Head or other Constable as aforesaid.

Lord Lieu-
tenant may
order the
Constabulary
to exercise
Powers, &c.
granted by
1 & 2 W. 4.
c. 55. in
the Sup-
pression of
illicit Dis-
tillation.

XIV. Provided always, That no such Order as aforesaid shall be issued after the Expiration of Three Years from the passing of this Act, nor shall any such Order continue in force after the Expiration

Duration of
last foregoing
Enactment.

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ration of the said Term of Three Years; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at any Time within the said Term of Three Years, to revoke any such Order as aforesaid for the Time being in force; and from and after such Revocation such County Inspector, Sub-Inspector, Head or other Constable as aforesaid, shall cease to exercise and possess such Powers, Authorities, and Privileges as aforesaid.

Regulations
to be made
for the Gui-
dance of the
Constabulary
employed in
the Preven-
tion, &c. of
illicit Dis-
tillation.

XV. And it shall and may be lawful for the Inspector General of the Constabulary Force of *Ireland*, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from Time to Time to frame Rules and Regulations for the Guidance of the said Constabulary Force in the Prevention or Suppression of illicit Distillation in such Districts as aforesaid, and for the making of Returns to the Lord Lieutenant or other Governors of *Ireland* of all Seizures whatsoever made, and of the Apprehension of Offenders by any County Inspector, Sub-Inspector, Head or other Constable of the said Constabulary Force, and also of all other Measures taken for or towards the Prevention or Suppression of illicit Distillation, under the Authority of such Orders as aforesaid.

Such Regu-
lations to be
laid before
Parliament.

XVI. A Copy of all Rules, Regulations, or Orders which may be made by the Inspector General of Constabulary for the Guidance of the said Constabulary Force to carry into effect the Provisions of this Act shall be laid before Parliament within Six Weeks from the Date of the Issue thereof, if Parliament be then sitting, or if not then sitting, within Six Weeks from the Day of the next ensuing Meeting of Parliament.

As to Dis-
posal of
Seizures
made by
Constabu-
lary.

XVII. All Seizures made under the Provisions of this Act by the said Inspector or Superintendent or Serjeant of Police, or by any County Inspectors, Sub-Inspectors, Head or other Constables, shall be, as soon as conveniently may be, delivered over to the Officer or Supervisor of Excise most convenient to the Place where such Seizure shall have been made, to be dealt with as is directed by the said Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth for the Suppression of illicit Distillation in *Ireland*.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.