

Families, but their own Labour and Industry, or any single Person, whether Tradesmen or otherwise, not having a visible Estate, to tittle or game, in such Ordinary, other than such as shall be invited by any Traveller, and shall accompany him, only during his necessary Abode or Stay there, and other than Persons travelling upon their necessary Occasion, (so far distant from their own Habitations as may render it impracticable or inconvenient to repair thither,) to take their Diet, and other necessary Accomodations, in such Ordinary, and other, than such as may happen to be confined in such Ordinary, by Sickness, severity of Weather, or other Accident, on Pain of not being paid for any Liquor, or other Accomodations, which such Ordinary-keeper shall supply such Person with, or which shall be lost by any such Person, at any Game.

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Provided always, That no Ordinary-keeper shall be restrain'd from supplying any of the Persons herein before-mention'd, with Victuals or Liquors, in moderate and necessary Quantity, so as no Ordinary-keeper shall trust any such Person, for more than Five Shillings, or the Value thereof, in any one Year, except in such Cases, as herein before-mention'd; to be judged of by any Judicature, having Cognizance of any Dispute concerning such Expences.

And be it Enacted, by the Authority aforesaid, That in any Action in a Court of Justice, or Dispute before a single Magistrate, between any Ordinary-keeper and any Person in this Act described, such Court, and the Jury, in any Tryal by a Jury, or Single Magistrate, shall, by Virtue of this Act, consider and enquire, whether any Debt, so sued for, or claimed, before a single Magistrate, be contracted contrary to the true Intent and Meaning of this Act; and if it shall appear to such Court, Jury, or Magistrate, that such Debt was contracted contrary to this Act, that then the Plaintiff be nonsuit, and the Defendant recover his Cost of Suit; and that in Case any Action or Demand shall be brought, on any Obligation, under the Hand and Seal of any such Person, or upon any Note or Writing, under the Hand only of the Defendant or Debtor, or if any such Note shall be given in Evidence to support such Action or Demand, it shall and may be lawful for the Defendant or Debtor, in every such Action or Demand, to plead the General Issue, that he doth not owe, or did not assume to pay, such Debt or Claim; and that then, and in every such Case, Action, or Demand, it shall be incumbent on the Plaintiff to prove, for what Consideration such Obligation or Note was past; and if such Plaintiff does not prove the same not to have been past for some other Consideration than Liquor, or other Accomodations sold, or lost as aforesaid, or prove, that such Liquor, or Accomodations, was absolutely necessary, and not sold or furnished contrary to the true Intent and Meaning of this Act, the Plaintiff shall be nonsuit, and the Defendant shall recover the Cost or Suit.

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