

L. H. J. try; or any single person whether Tradesman or otherwise, not  
 Liber No. 46 having a visible Estate, to tipple or game in such Ordinary; other  
 than such as shall be invited by any Traveller, and shall accompany  
 him only during his necessary Abode there, and other than Persons  
 travelling upon their necessary Occasions (so far distant from their  
 own Habitations as may render it impracticable or inconvenient to  
 repair thither) to take their Diet, and other necessary Accommoda-  
 tions, 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 Ac-  
 commodation which such Ordinary Keeper shall supply such Person  
 with, or which shall be lost by any such Person at any Games.

Provided always, That no Ordinary Keeper shall be restrained  
 from supplying any of the Persons herein before mentioned, with  
 Victuals or Liquors in moderate and necessary Quantities, 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 mentioned, to be judged of by any Judica-  
 ture 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 Trial 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 con-  
 tracted contrary to this Act, that then the Plaintiff shall be non-suit  
 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  
 Obligation note or Writing 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, and that then and in every such Case, Action, or Demand, it  
 shall be incumbent on the Plaintiff, to prove for what Consideration  
 p. 478 such Obligation, note or writing was past, and if such Plaintiff does  
 not prove the same not to have been past for some other Consid-  
 eration than Liquor, or other Accommodations sold or lost as afore-  
 said, or prove that such Liquor or Accommodations was absolutely  
 necessary, and not sold or furnished contrary to the true Intent and  
 meaning of this Act, the Plaintiff shall be non-suit, and the Defen-  
 dant shall recover the Cost of Suit. And be it further Enacted by the  
 Authority aforesaid, that in Case it shall appear to any Court or  
 Magistrate, that any Part of any Account to be sued for, or de-  
 manded, or any Part of the Consideration, for which any Obligation