

Also if any Constable, or other inferior Officers of the Parish, shall neglect to execute the Justices Warrant for the due correction of, or for the levying of the Penalties of Offenders in Drunkenness; such Constable, &c. shall forfeit 10 s. to the use of the Poor, &c. to be levied as aforesaid. 4 Jac. 5.

§ 8.
Refusing to
lodge.

If a common Inn holder or Ale-house-keeper will not lodge a Travel-
ler, any Constable (or Justice of Peace) may compel him thereto; but how the Officer shall compel him *Quære*: it seemeth that all the Officer can do, is, either to cause such Ale-house-keeper to be suppressed; or else to present or prefer such Offence of an Inn-keeper, or Ale-house-keeper, at the Assizes, or Sessions of the Peace that so such Offender may be thereupon indicted. See the Commission.

Br. Acc.
Sur. 92. &c.
76.
5 E. 4. 3.

And at a Lent Assizes, Anno Domini 1622. Sir James Ley (Knight and Baronet, Lord Chief Justice of the Kings-Bench) delivered it in his charge, that an Inn keeper, or Ale house-keeper, offending herein, might be indicted, fined and imprisoned for the same; or else, that the party grieved might have his Action *sur le Case* against the Inn keeper or Ale-house-keeper refusing to lodge him. *Vide Cro. 50 & 4 H. 7. 22.*

But no Inn holder, Ale-house-keeper, or other Victualler, shall be compelled to sell, or let any Traveller or other to have any Victuals or Lodging, except the party shall first tender and pay ready money for the same, if it be required. 10 H. 7. 8. 5 E. 4. 3. Co. 9. 87. b.

§ 9.
Two Justices.
Licence.

Any two Justices of Peace (the one being of the *Quorum*) may allow the Keeping of any common Ale-house, or Tipling-house, and shall (from time to time; take Bond with Surety by Recognizance of such Ale-house-keepers, as well against the using of unlawful Games, as also for the keeping of good rule and order in their Houses, according to the discretions of the same Justices.

5 Ed. 6. 25.
P. 22.

And yet note that the words of the Statute do not warrant the Justices of Peace to allow Ale-house-keepers at their pleasure; but the words of the Statute are thus, None shall be admitted to keep a common Ale-house, &c. but such as shall be allowed in open Sessions; or by two Justices, the one of the *Quorum*, &c. And therefore if two such Justices out of the Sessions shall allow more than are needful, or such as are disabled, or such as have been suppressed; the Justices may be punished, the rather for that the number of unnecessary Ale houses are causes of much disorder, poor Labouring-men and servants resorting thither, and there mis-pending both their money and time.

There shall be paid for such Recognizance but xij. d. and the said Justices shall certify the same Recognizance at the next Quarter-Sessions (upon pain of five Marks.) *Ibidem.*

Any two Justices of Peace (the one being of the *Quorum*) may remove, discharge, and put down any Ale-house where they shall think meet.

E. 6. 25.

The Justices of Peace in their Sessions by Presentment, Information or otherwise at their discretion may inquire of persons as be allowed to keep Ale-houses, and that be bound by Recognizances if they have done any Acts whereby they have forfeited their Recognizance, and upon such presentment or Information shall award Process to shew cause why they should not forfeit the same, and shall hear and determine the same in such manner as by their discretion shall be thought fit.

& 6 E. 6.

The Ale-house-keeper put down and discharged by any two such Justices of Peace cannot be allowed again by any other two or more Justices of Peace, except it be in open Sessions, as Sir Peter Warburton delivered in his charge at Cambridge Assizes, Anno Dom. 1613.

Any