

<sup>5</sup>E. 6. c. 25. Any two Justices of the Peace (the one being of the *Quorum*) may § 100  
commit to Prison in the common Goal (for three days without Bail) those  
that keep common Ale-houses, or that use common selling of Ale or Beer,  
obstinately of their own Authority, without allowance by two such Justi-  
ces, or contrary to the commandment of two such Justices. And the said  
two such Justices (before the delivery of such Offenders) shall take Re-  
cognizance of them with two Sureties, that he or they shall keep no more  
a common Ale-house, or use commonly selling of Ale or Beer, according  
to the Discretion of the same Justices; and shall certify such Recognizance,  
Discharge, and Offence, at their next Quarter-Sessions: which Certificate  
shall be a sufficient Conviction in Law of the same Offence, without any  
farther trial thereof to be had: *and for such Offence the fine of 20 s. shall be  
assessed in open Sessions. In places where Forces are kept, any person may  
use common selling of Beer as hath been used. 5 & 6 E. 6. 25. 3 C. 3.*

But for that this former Law made *5 Ed. 6.* hath not wrought such resor-  
mation as was intended, it is farther enacted by another Statute made  
*3 Caroli Regis, cap. 3.* That if any person shall upon his own authority  
(not being thereunto lawfully licensed) take upon him, or her, to keep a  
common Ale-house, or Tipling house, or shall commonly use selling of Ale,  
Beer, Cider, or Perry, that every such person for every such offence shall  
forfeit twenty shillings to the use of the Poor of the Parish where such  
Offence shall be committed; the same Offence being viewed by any Justice <sup>One Justice.</sup>  
of Peace, Mayor, or other head-Officer of any City or Town Corporate,  
within their limits, or confessed by the offender, or proved by the Oath  
of two Witnesses.

<sup>3</sup> Car. 3. Every such Justice of Peace (or other head Officer aforesaid) have  
power to minister an Oath to such Witnesses.

<sup>3</sup> Car. 3. Also every such Justice (and other head-Officer aforesaid) within their  
several limits, may make their Warrant to the Constables or Church-war-  
dens of the Parish where the said Offence shall be committed, to levy the  
same twenty shillings by Distress of the Offenders Goods; and for default  
of Satisfaction, within three days next ensuing, the said Distress to be  
apprised and sold, and the overplus to be delivered to the Offender: and  
this to be only for the first Offence. *Ibidem.*

<sup>3</sup> Car. 3. If such Offender shall not have sufficient Goods whereby to levy the said <sup>1</sup> Offence;  
twenty shillings by Distress, or shall not pay the said twenty shillings within  
six days after such Conviction, then the said Justice (and other head-  
Officer aforesaid) shall commit the said Offender to the Constable where  
the Offence shall be committed, or the party apprehended, to be openly  
whipped. *Ibidem.*

<sup>3</sup> Car. 3. If the Constable, &c. shall neglect to execute the said Warrant, or do  
refuse, or do not execute upon the Offender the said punishment of Whip-  
ping, the said Justice (or Officer) may commit the Constable, &c. to the  
common Gaol without Bail, until the said Offender shall be by him punish-  
ed as aforesaid, or until the said Constable, &c. shall pay forty shillings to  
the use of the poor of the Parish. *Ibidem.*

<sup>3</sup> Car. 3. The unlicensed Ale-house-keeper, for such his second Offence, shall be <sup>2</sup> Offence;  
committed to the House of Correction for one month. *Ibidem.*

<sup>3</sup> Car. 3. And for every such Offence after, he shall be committed to the House of <sup>3</sup> Offence;  
Correction, there to remain until he be delivered by order from the Gene-  
ral Sessions. *Ibidem.*

<sup>3</sup> Car. 3. Provided that such Offender shall not be punished twice for the same  
Offence, *sc.* shall not be punished both by the Statute made, *An. 5 E. 6.* and  
by the Statute of *3 Caroli Regis.*

If