

If a Feme Covert against the will of her Husband, shall keep an Ale-house, or shall use common selling of Ale or Beer without License, &c. the Husband is punishable therefore, and it seemeth the Wife also (by the discretion of the Justices of Peace) may be imprisoned for such her personal and wilful Offence. until she shall find Sureties for her good Behaviour, and that she shall no more use the same.

Also it seemeth (by the Letter of the Statute) that the Ale-house-keeper put down or discharged by two such Justices, if (contrary to their commandment) he shall use common selling of Beer or Ale again, though allowed by two other Justices of Peace out of the general Sessions, yet the two Justices that first discharged him may put him down again, and may commit him to the Gaol, for selling contrary to their commandment.

And yet the Statute alloweth common Victualling, and selling of Ale or Beer in Fairs, though unlicensed, &c. 3 *Caroli*. 3.

Brewers uttering or delivering any Beer or Ale to any unlicensed Ale-house keeper, shall forfeit for every Barrel 6 s 8. d. 4 Jac. c. 4.

If any Ale-house-keeper which is not licensed, shall suffer Townsmen or any other persons to tittle in his house, or shall break the Assize, &c. he is punishable for the same by the Statute made *primo Jac. c. 9.* and besides he may also be committed to prison for three days by force of the Statute made 5 *Ed. 6. c. 25.* or 3 *Caroli* 3. for selling Beer, &c. without License. Also if any Townsman, or other person, shall be found to be tipling in any unlicensed Ale-house, such persons (as it seemeth) are also punishable by the same Statute, made *primo Jacobi Regis cap. 9.*

Any two Justices of Peace may give allowance to Labourers, &c. for urgent and necessary occasions to remain in an Inn, Ale-house, or Victualling house.

§. 11.
Inn-keepers
that suffer
Tipling.

Common Inns are appointed for Travellers and wayfaring men, *Ca. 8. 32.* and therefore if any Inn-keeper shall suffer persons inhabiting in the same Town or any other persons (contrary to the Statutes) to be usually tipling in his house, such an Inn-keeper may be accounted as well an Ale-house keeper as an Inn keeper; and such Inn-keepers may be bound by Recognizance with Sureties for keeping of good Order, and observing Assize, as Ale house-keepers are: and so Judge *Warburton* delivered it in his Charge at *Cambr. Assizes An Dom. 1613.* And therewith also agreed *Sir James Ley* and *Sir John Dodderidge*, in their several Charges at *Cambr. Assizes, An. Dom. 1621.* for that such Inn-keepers (said they) do pervert the end, for which they were first appointed. Or else it seemeth they may be dealt withal, *sc.* punished, or committed, as Ale-house-keepers without License, (by two Justices of Peace, as aforesaid :) Or they may be indicted thereof at the Assizes or Sessions of Peace, as it seemeth by the Commission of the Peace.

Jo. Brakey de. Sc. Inn-holder, Sc. convicted for letting his Beer to farm to his Tapster for Fourteen shillings the Barrel, he paying but Eight shillings to the Brewer. Ord. 2. Sept. 9. Jac. Sess. Pac. Mid.

It was the Opinion of the Court in the Case of one T. Jennings. That the keeping of an Inn gave no warrant to sell Beer without other License. Ord. 6 Jan. 1 Car. lib. Sess. Pa. Mid.

Also it hath been agreed for Law, That such Inns as have been erected since the Statute of 5 *Ed. 6. cap. 25.* and were not Inns before, ought to have License; and that such Inn keepers are to be bound by Recognizance, with Sureties, for keeping of good Orders, as Ale-house-keepers are.

And