

mony for any thing there, but what he shall call for, nor take any reward for keeping such person out of Gaol than the party will freely give, nor take any more for each nights lodging or expences than is reasonable, or shall be adjudged by the next Justice of Peace, or at the Quarter Sessions to pay for any thing else than what the party calls for.

*The Person.*

As if the party be in a Livery, or a retainer to any man, Bailiff of a Hundred or Liberty, Constable, &c. or be one that is not of good fame, conversation or government; such persons are not fit to be allowed to be Ale-house keepers. See *Fitz. N. B.* 172. That no Victualler ought to sell Victual so long as he is in Office, &c. *Stat. 12. E. 2. c. 6.*

Again *dicitur*, that no person, using any Trade, ought to be allowed to keep an Ale-house, for that were to take away the means, and so the life of another: *Tamen quære inde*, for that by the Common Law no man is prohibited to use divers Trades. *Vide hic tit. Labourers.*

T. Byworth suppressed from keeping an Ale-house, for that it appeared to the Court that he is a Steel-forger, which is a good Trade, sufficient for him to live by, *Ord. Sess. Pac. Mid. 26 Jul. 8. Car. which see to resolve the quær. aforesaid.*

Also there are some persons that by Law are disabled to keep an Ale-house (at least for a certain time;) as.

1. The Ale-house keeper convicted for any Offence against 1 Jac. 9. & 4 Jac. 5. or being convicted (according to the Statute *vicefimo primo Jac. 7.*) for suffering Townsmen, &c. (or any other person, as it seemeth) to continue drinking in his house, contrary to the said Statute, (which see here before) such Ale-house-keeper is disabled to keep an Ale-house for three years after such Conviction. *21 Jac. cap. 7.*

4 Jac. 10.  
1 Jac. 7.

2. So the Ale-house keeper convicted (as aforesaid) for not selling one full quart of the best Beer or Ale for 1 d. and of the small two quarts for 1 d. (which see in this Title a little before) such Ale-house-keeper also is disabled (for three years after) to keep an Ale-house. *21 Jac. cap. 7.*

4 Jac. 10.

3. The Ale-house keeper that shall continue drinking in another Ale-house or Inn in the same Town where he dwelleth, (the said Offence being seen by any Justice of Peace within his limits, or being proved before any Justice of Peace by two Witnesses upon Oath) every such Ale-house-keeper also is disabled for three years after such Conviction to keep any Ale-house, as it seemeth upon conference of these two Statutes of 4 & 7 Jac. 21. cap. 7.

4 Jac. 5.  
7 Jac. 10.  
21 Jac. 7.

So the Ale-house keeper that shall bedrunken, and thereof lawfully be convicted, (by Indictment at the Assizes, Sessions of Peace, or in a Lect, or otherwise before the Justice of Peace) is disabled for three years to keep an Ale-house.

An Ale-house-keeper convicted and suppressed for any of the former Offences, if he shall be licensed or allowed again by two or more Justices of Peace within three years, such License is void, and he is to be punished as one Victualling without License. And so it was delivered by Sir *Nic. Hide*, at *Cambr. Assizes, An. 3 Caroli Regis.* And so it seemeth, if he were convicted, though he were not suppressed, if he be after licensed again within three years after such Conviction, such license is void, &c.

4 Jac. 5.  
7 Jac. 10.  
21 Jac. 7.

5. The Ale-house-keeper that is discharged or put down by any two Justices of Peace, the one being of the *Quorum*, &c. is also disabled, so as he cannot be allowed again, except in open Sessions. See *hic antea.*

Also in Towns which are no thoroughfare, the Justices shall do well to be sparing in allowing of any Ale-house, except it be at the Suit of the chief

chief