

1747

MAY.

CHARLES LORD BALTIMORE.

C H A P.
XVII.
No person to
set up a booth,
&c.

II. BE IT THEREFORE ENACTED, by the right Honorable the Lord Proprietary, by and with the advice and consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the authority of the same, That from and after the end of this present session of Assembly, if any person or persons whatsoever shall set up or erect any booth, or other conveniency for selling liquor, or giving entertainment, or shall sell, dispose of, or give away any strong or spirituous liquor, or give entertainment in such booth or conveniency, within any distance less than three miles from either of the said meeting-houses in Talbot or Anne Arundel county, during the days on which such yearly meetings shall be kept or held, he, she or they, shall forfeit and pay the sum of five pounds current money each, one half to the informer, or him or them that will sue for the same, the other half to the use of the county school where the offence shall be committed, to be recovered in any court of record within this province, by action of debt, bill, plaint or information, wherein no eloin, protection or wager of law shall be allowed.

Justice may if
sue his war-
rant, &c.

III. AND BE IT FURTHER ENACTED; That every justice of the peace for the county where such offence shall be committed is hereby authorized and required, immediately upon complaint to him made, to issue his warrant to cause the said offender or offenders to be brought before him, and upon proof of the premises, by the oath (or affirmation if a quaker,) of one creditable witness, or confession of the party, to command him, her or them, immediately to remove and take away such booth or conveniency, and also any strong and spirituous liquor, or other accommodations, and giving such entertainment as aforesaid, and to give good security for his, her or their appearance at the next court to be held for such county, to answer the premises, which, if he, she or they, shall refuse to do, immediately then and in such case the said justice may, and he is hereby empowered and required to commit him, her or them, to the public prison of the county, there to remain until he, she or they shall give such security as aforesaid, and shall cause such booth or other conveniency to be removed.

Penalty for
setting up any
booth, &c.

IV. AND BE IT FURTHER ENACTED; That if any person or persons whatsoever, except such as shall be lawfully admitted and licensed by the court to keep an ordinary for the ease and accommodation of travellers, shall build, set up, or erect, any booth or conveniency within or without such a distance as is before mentioned, in order to sell or dispose of any strong or spirituous liquors, or other accommodations, or give any entertainment to persons travelling, or going to or returning from such meeting-houses, or shall presume to sell or dispose of any such strong and spirituous liquors, or other accommodations, or give such entertainment in such booth or other conveniency, he, she or they, shall, for every such offence, forfeit and pay the sum of five pounds current money each, to be recovered and applied as aforesaid.

Ordinary-keep-
ers not to sell,
&c.

V. AND BE IT FURTHER ENACTED; That such ordinary-keepers who shall be duly admitted and licensed by the county court, and who shall erect or set up any booth, or other conveniency, on the days on which such yearly meetings shall be kept, and within a distance not less than three miles from such meeting-houses in the said counties of Talbot and Anne Arundel, shall not sell, give or dispose of, any strong or spirituous liquor, or give any entertainment, or other accommodations, upon any pretence whatsoever, to any servant, negro or other slave, under pain of losing the price of the liquor so sold, given or disposed of, and paying moreover the sum of twenty shillings current money, to be recovered before any single magistrate of the county, upon the oath (or affirmation if a quaker,) of any one creditable witness, and applied as aforesaid.

Except at his
own house &c.

VI. AND BE IT FURTHER ENACTED; That such ordinary keeper shall not sell, give or dispose of, any liquors or other accommodations, or give any entertainment, in any booth or other conveniency, except such as shall be at his or her dwelling-house, to any person or persons whatsoever, on any of the several and respective days on which such meetings shall be kept and held as aforesaid, after sun-setting of the same day, under the penalty and forfeiture of five pounds current money for every such offence, to be recovered and applied as aforesaid.

Races not to
be run, &c.

VII. AND BE IT FURTHER ENACTED; That no person or persons whatsoever shall hereafter run or pace any race or races, with any horse, mare or gelding, for any wager or wagers, for diversion, or on any pretence whatsoever, on the ground commonly called New Market, in Talbot county, or within the distance of five miles from the meeting-house in the said county, or within five miles of the meeting-house on West river, in Anne Arundel county, on the days on which the said meetings, or either of them, shall be kept and held; under the penalty of the owner or owners of such horse, mare or gelding, who shall so run or pace his horse, mare or gelding, or knowingly suffer them to be run or paced, forfeiting and paying for every such race five pounds current money, to be recovered and