

Ten Shillings, as aforesaid, for any Sorts of strong Liquors, or other Tavern Expences, shall lose the Debt, and thereby be disabled from ever recovering the said Debt, or any Part thereof, and in any Action in a Court of Justice, or Dispute before a Justice of the Peace, between any Ordinary-Keeper or Innholder, and any Person or Persons other than Travellers, for any Debt so as aforesaid contracted, such Court, and the Jury in any Trial by a Jury, or Justice of the Peace, shall, by Virtue of this Act, consider and inquire, whether any Part of such Debt, so sued for or claimed, before such Justice of the Peace, be contracted contrary to the true Intention and Meaning of this Act; and if it shall appear to such Court and Jury, or Justice of the Peace, that any Part of such Debt was contracted contrary to this Act, that then the Plaintiff shall be nonsuit, and the Defendant recover his Cost of Suit; and that in Case any Action or Demand shall be brought, by any Ordinary-Keeper, or Innholder, on any Obligation, under the Hand and Seal of any Person or Persons, other than Travellers, or upon any Note, or Writing under the Hand only of such Defendant or Debtor, or if any such Obligation, Note, or Writing shall be given in Evidence to support such Action or Demand, it shall and may be lawful for the Defendant or Debtor, or Defendants or Debtors, in every such Action or Demand, to plead the General Issue; and that then, and in every such Case, it shall be incumbent on the Plaintiff to prove for what Consideration such Obligation, Note, or Writing was passed, and if such Plaintiff does not prove the same to have been passed for some other Consideration than Liquor, or other Accommodations, or Tavern Expences, trusted or credited as aforesaid, the Plaintiff shall be nonsuit, and the Defendant or Defendants shall recover full Costs of Suit.

Duty of Constables, as to any Breach of this Act.

IX. *AND be it further Enacted*, That it shall and is hereby declared to be the Duty of the several Constables, in their respective Hundreds, upon View, or Information given them, of any Breach of this Act, to apprehend the Offender or Offenders, and carry him, her or them, before some Justice of the Peace of the County where the Offence shall be committed, to be dealt with according to Law, and the Directions of this Act; and if any Constable on View, or Information given him, of any Breach of this Act, shall refuse or neglect to do his Duty therein, he shall forfeit, for every such Refusal, or Neglect, the Sum of Five Pounds Current Money; to be recovered with Costs, in the County Court where such Offence shall be committed, by Action of Debt, Bill, Plaint, Indictment or Information, wherein no Effoin, Protection, or Wager of Law shall be allowed, or more than one Impar lance, and applied as herein after directed.

Their Fee.

X. *AND be it further Enacted*, That it shall and may be lawful for any Justice of the Peace, before whom any Offender or Offenders shall be convicted for a Breach of this Act, to award to the Constable, as a Fee for serving a Warrant in such Case, or for apprehending and bringing to Justice such Offender or Offenders, the Sum of Two Shillings and Six-Pence Current Money.

Recovery and Application of Penalties.

XI. *AND be it further Enacted*, That all and every of the Fines, Forfeitures, and Penalties by this Act imposed, shall be recovered as herein before directed, and applied one Half thereof to the Use of the Informer, or him, her, or them that shall sue for the same, the other Half to be paid to the Commissioners or Trustees of the Loan-Office, and applied to the same Purpose respectively, that the Ordinary-Licence Money is directed to be applied by the several Acts of Assembly which continue such Parts of the Act to which this is a Supplement, as relate to the Regulating of Ordinaries, Ordinary-Keeper, granting Ordinary-Licences, and the several Clauses, Matters, and Things therein mentioned, concerning the same.

Justices to account at November Court.

XII. *AND* for the better collecting and paying the several Forfeitures that shall arise and become due, by Means of this Act; *Be it further Enacted*, That every Justice, before whom any such Conviction shall be as aforesaid, shall, upon Receipt of one Half of such Forfeiture, forthwith pay the same to the Sheriff of the County where such Offence shall be committed, and shall also, and is hereby directed, at the November Court of his respective County, yearly, to deliver to the Clerk of such County, an Account of every such Conviction, Receipt and Payment, on Pain of forfeiting, for every Neglect thereof, the Sum of Ten Pounds Current Money; to be recovered with Costs in the County Court where such Offence shall be committed, by Action of Debt, Bill, Plaint, Indictment or Information, wherein no Effoin, Protection, or Wager of Law shall be allowed, or more than one Impar lance, and applied as herein before directed. And that the Clerk of every Court, before whom any Recovery shall be had, of any Forfeiture by Means of this Act, or to whom any Justice of the Peace shall deliver such Account as aforesaid, shall, and is hereby required, by the Twenty-Fifth Day of December yearly, to transmit to the Commissioners aforesaid, a true List and Account of all and every such Forfeitures so recovered in his County as aforesaid: And that every Sheriff who shall receive any such Forfeitures or Fines, shall, and is hereby directed to pay the same to the Commissioners or Trustees aforesaid, by the Twenty-Fifth Day of December, yearly. *Provided always*, That if any Justice, or Constable, shall be sued or prosecuted, for any Thing done in pursuance of this Act, he or they may plead the General Issue, and give this Act, and the special Matter in Evidence, for their Justification, and if the Plaintiff or Prosecutor become nonsuit, or forbear Prosecution, or suffer Discontinuance, or if a Verdict pass against him in such Action, Suit or Information, the Defendant shall have and be allowed treble Costs; to be recovered as in Case where Costs by Law are given to Defendants.