Anno tricesimo

Georgii II. Regis.

An Act to prohibit for a limited Time the making of Low Wines and Spirits, from Wheat, Barley, Malt, or any other Sort of Grain, or from any Meal or Flour.



WHEREAS it is expedient that the Distillation or Extraction of Low Wines or Spirits, from Wheat, Barley, Malt, and all other Sorts of Grain, should be prohibited for a limited Time; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Eleventh Day of March, One thousand seven hundred and fifty seven, no Low Wines or Spirits whatsoever shall be made, extracted, or distilled, within this Kingdom, from any Wheat, Barley, Malt, or any other Sort of Grain, or from any Meal or Flour, for and during the Space of Two Calendar Months. Preamble. Wheat and all Sorts of Grain, Meal, and Flour, prohibited to be made use of in Distillation for 2 Months;

And be it further enacted by the Authority aforesaid, That if, during the Time before limited, any Distiller, or Maker of Low Wines or Spirits, or any other Person or Persons whatsoever, shall make, extract, or distill, or cause or procure to be made, extracted, or distilled, any Low Wines or Spirits, from any Wheat, Barley, Malt, or other Grain, or from any Meal or Flour; or shall use or mix, or cause or procure to be used or mixed, any Wheat, Barley, Malt, or other Grain, or any Meal or Flour, in any Worts or Wash, in order for the making, extracting, or distilling, Low Wines or Spirits; or shall put or lay, or cause or procure to be put or laid, in any Tun, Wash-batch, Cask, Copper, Still, or other Vessel or Utensil, on Penalty of 200 l. and Forfeiture of such Grain, &c. with the Wines and Spirits, &c.

any Wheat, Barley, Malt, or other Grain, or any Meal or Flour, for the Purpose of preparing any Worts or Wash, or for making, extracting, or distilling, Low Wines or Spirits, whether such Tun, Washbatch, Cask, Copper, Still, or other Vessel or Utensil, hath or hath not been duly entered at the Excise Office; that then, and in each and every of the said Cases, such Distiller or Maker of Low Wines or Spirits, or other Person or Persons acting contrary to the Directions of this Act, or the Person or Persons in whose Custody or Possession any such Tun, Washbatch, Cask, Copper, Still, or other Vessel or Utensil, which shall be made use of, contrary to the Intention of this Act, shall be found, shall respectively, for every such Offence, forfeit and pay the Sum of Two hundred Pounds; and all such Wheat, Barley, Malt, and other Grain, and such Meal and Flour, and such Worts and Wash, Low Wines and Spirits, shall be also forfeited.

All Wheat, &c. found within the Time limited, in any Workhouse, &c. belonging to a Distiller, forfeited, and 100*l.*

And be it further enacted by the Authority aforesaid, That if any Wheat, Wheat Meal, or Wheat Flour, shall, within the Time herein before limited, be found in any Workhouse, Stillhouse, Storehouse, Warehouse, or any other Place, wherein Low Wines or Spirits, or Worts or Wash, shall be made, extracted, distilled, or prepared, or where any Low Wines or Spirits, or Worts or Wash, shall have been made, extracted, distilled, or prepared, since the First Day of January, One thousand seven hundred and fifty seven, all such Wheat, Meal, and Flour shall be forfeited, and the Person or Persons in whose Possession such Workhouse, Stillhouse, Storehouse, Warehouse, or Place shall be, shall, for every such Offence respectively, also forfeit and pay the Sum of One hundred Pounds.

Officer, &c. may enter suspected Houses,

And be it further enacted by the Authority aforesaid, That during the Time herein before limited, it shall be lawful for any Person or Persons, who shall be authorized for that Purpose by the Commissioners of Excise for the time being, or any Two or more of them, within the Limits of the Chief Office of Excise in London, or by One or more Justice or Justices of the Peace in any other Part of Great Britain, at any Time or Times, with any Officer of Excise, to enter into any Workhouse, Stillhouse, Storehouse, Warehouse, or any other Place wherein any Low Wines or Spirits, or Worts or Wash shall be, or are suspected to be made, extracted, distilled, or prepared, or wherein Low Wines or Spirits, or Worts or Wash shall have been made, extracted, distilled, or prepared, since the First Day of January, One thousand seven hundred and fifty seven, and shall have free Admittance into

the same, and may inspect all the Materials, Vessels, and Utensils, therein contained (giving thereby as little Interruption as may be to the Business which shall be carrying on) and in case any such Officer of Excise, shall have Reason to suspect that any Wheat, Barley, Malt, or other Grain, Meal or Flour, is mixed in any Worts or Wash, or in any other Material or Preparation, for making, extracting, or distilling, Low Wines or Spirits, it shall be lawful for such Officer, at any Time or Times, during the said Term, upon Payment of Two Shillings and Six Pence, to take a Sample not exceeding Two Quarts, of any such Worts or Wash, Material or Preparation, which shall be found in any such House or other Place aforesaid; and in case any Distiller or Maker of Low Wines or Spirits, or the Owner or Occupier of any such House or Place, or any Workman or Servant to any such Distiller, Owner, or Occupier belonging, shall refuse to admit such Person or Persons, as shall be so authorized, or any Officer of Excise, into any such House or Place, or shall obstruct or hinder any such Officer or Person or Persons, in making such Inspection as aforesaid, or shall not allow any such Officer to take such Sample, after the said Sum of Two Shillings and Six Pence shall be paid or tendered for the same, such Distiller, Owner, or Occupier, shall, for every such Offence respectively, forfeit and pay the Sum of One hundred Pounds; and it shall be lawful for any such Officer of Excise, or other Person or Persons, authorized as aforesaid, having a Warrant for that Purpose from any Two or more of the Commissioners of Excise, or any Justice or Justices respectively as aforesaid, to seize, take, and carry away, all such Wheat, Wheat Meal, and Wheat Flour, as shall be found in any such House or other Place, together with all the Sacks, Bags, and other Things, in which the said Commodities shall be contained.

and inspect the Materials and Utensils therein;

and take Samples, paying for the same.

Distiller refusing Admittance, or obstructing Officer, forfeits 100 *l.*

and the Officer may seize, and carry away the Wheat, &c. found.

And be it further enacted by the Authority aforesaid, That if any Distiller or Maker of Low Wines or Spirits for Sale or Exportation, shall, after the Eleventh Day of March, One thousand seven hundred and fifty seven, and before the Eleventh Day of May, One thousand seven hundred and fifty seven, be possessed of, or have in his, her, or their Custody or Possession, or in the Custody or Possession of any Person or Persons in Trust, or for the Use or Benefit of such Distiller or Maker of Low Wines or Spirits, more than Five Quarters of Wheat, Wheat Meal, or Wheat Flour, at any One Time, in any One or more Place or Places (not being a Place or Places for preparing, making, extracting, distilling, or keeping Worts or Wash,

Distiller, or other Person for him, having more than 5 Quarters of Wheat, &c. in his Custody;

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to forfeits the same, and 5 l. for every Quarter.

Low Wines or Spirits) every such Distiller or Maker of Low Wines and Spirits, shall, for every such Offence respectively, forfeit all such Wheat, Meal, and Flour, exceeding the said Quantity of Five Quarters, and also the Sum of Five Pounds for every Quarter so forfeited.

Distillers not to forfeit for Wheat of their own Growth,

Provided always, That this Act shall not extend to inflict the said last-mentioned Penalty and Forfeiture upon any Distiller or Maker of Low Wines or Spirits, who shall be the actual Grower of Wheat, and shall be possessed of any Quantity of such Wheat grown by him or her in the Straw, or after the same is threshed out or separated from the Straw; provided such Wheat shall not be kept in his or her Possession, or in the Possession of any other Person or Persons in Trust for him or her, for a greater Space of Time than Twenty Days after the same shall be threshed or separated from the Straw; and so as such Wheat be not kept in any Place used for making, extracting, or distilling Low Wines or Spirits, or for preparing or keeping Worts or Wash.

if sold within 20 Days after being threshed; and not kept in Workhouse, &c.

Distillers, being Millers, are also exempted from the said Penalty and Forfeiture.

Provided also, That this Act shall not extend to inflict the said last-mentioned Penalty and Forfeiture upon any Distiller or Maker of Low Wines or Spirits, who practises the Trade of a Miller, and who was possessed of, and worked any Mill or Mills for the grinding of Wheat, on or before the First Day of January, One thousand seven hundred and fifty seven, for or upon account of any Quantity of Wheat, Wheat Meal, or Wheat Flour, which shall, during the Time herein before limited, be found in any such Mill or Mills; any thing herein contained to the contrary notwithstanding.

Officers, &c. may, by Warrant, enter, or break open Storehouses suspected to have in them more than 5 Quarters of Wheat.

And be it further enacted by the Authority aforesaid, That in case any Officer or Officers of the Excise, or any other Person or Persons, shall, at any Time or Times, have Cause to suspect that any Wheat, Wheat Meal, or Wheat Flour, exceeding the Quantity of Five Quarters, shall be laid or kept in any such Storehouse, Warehouse, Granary, or other Place or Places, as aforesaid, belonging to any Distiller or Maker of Low Wines or Spirits, contrary to the true Intent and Meaning of this Act, then, and in every such Case, upon Oath made by such Officer or Officers, or other Person or Persons, before the Commissioners of Excise for the time being respectively, or any Two or more of them, or before One or more Justice or Justices of the Peace residing near the Place where such Officer or Officers, or other Person or Persons, shall suspect the same to be laid and kept, setting forth the Ground of his or their Suspicion, it shall and may be lawful to and for the said Commissioners,

sioners, or Justice or Justices of the Peace respectively, before whom such Officer or Officers, or other Person or Persons, shall make Oath as aforesaid, (if he or they shall judge it reasonable) by Special Warrant under his or respective Hands and Seals, to authorize and impower such Officer or Officers, or other Person or Persons, authorized as aforesaid, by Day or by Night (but if in the Night, then in the Presence of a Constable, or other lawful Officer of the Peace) to enter into all and every Storehouse, Warehouse, Grainary, or other Place or Places, where he or they shall so suspect that any Wheat, Wheat Meal, or Wheat Flour, exceeding the Quantity of Five Quarters, as aforesaid, shall be laid or kept, belonging to any such Distiller, or Maker of Low Wines or Spirits; and to seize, take, and carry away, all such Wheat, Meal, and Flour, as he or they shall so find (over and above the said Quantity of Five Quarters, together with all the Sacks, Bags, or other Things, wherein the same shall be contained) and such Distiller or Maker of Low Wines or Spirits, or the Person or Persons in whose Custody or Possession such Wheat, Meal, or Flour, belonging to such Distiller shall be found, shall, for every such Offence respectively, forfeit and pay the said Penalty of Five Pounds for every Quarter, exceeding the said Quantity of Five Quarters; and the said Officer or Officers, and other Person or Persons, is or are hereby impowered by such Warrant, together with such other Person or Persons as he or they shall take to his or their Assistance, to enter such Storehouses, Warehouses, Grainaries, and other Place or Places, and break open the Doors thereof, in case they be not forthwith opened on Demand.

The Wheat so found, to be seized and carried away,

and Distiller to forfeit 5 *l.* for every supernumerary Quarter.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, shall be sued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster; or in the Court of Exchequer in Scotland; and that the Court before whom the same shall be recovered, may, and are hereby authorized (if they shall think fit) to mitigate all or any of the pecuniary Penalties herein before inflicted, to any Sum not less than One Fourth Part of the Sum herein respectively mentioned; and that One Moiety of all the Penalties and Forfeitures, when recovered, shall be to the Use of His Majesty, His Heirs, and Successors; and the other Moiety to him or them who shall sue for the same, or give Information of, or discover the Offence.

Penalties how to be recovered;

Court may mitigate the same;

Application thereof.

Suits to be commenced within Two Months after the Offence.

Provided always, That all Suits, Prosecutions, or Informations, for Offences committed against this Act, shall be commenced and made within the Space of Two Calendar Months after the Fact is committed, and not otherways; any thing herein contained to the contrary notwithstanding.

Contracts for Delivery of Yest suspended.

And whereas there have been Contracts made by the Distillers with several Persons for Yest, to be delivered and received at future Times after the Twenty ninth Day of September, One thousand seven hundred and fifty six; be it therefore further enacted by the Authority aforesaid, That all Contracts or Bargains made by any Distiller or Distillers with any Person or Persons whatsoever, for any Yest to be delivered at any Time during the Continuance of this Act, shall be, and are hereby declared to be suspended.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, such Action or Suit shall be commenced within the Space of Four Calendar Months next after the Offence shall be committed; and if such Action or Suit shall be commenced or prosecuted in that Part of Great Britain called England, the Defendant or Defendants, in any such Action or Suit, may plead the General Issue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be Nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared; or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath, or have, in other Cases by Law: And if such Action or Suit be commenced or prosecuted in that Part of Great Britain called Scotland, the Court before whom such Action or Suit shall be brought, shall allow the Defender to plead this Act on his Defence; and the Pursuer shall not insist on his Action, or if Judgement shall be given against such Pursuer, the Defender shall and may recover the full and real Expences he may have been put to, by any such Action or Suit.

General Issue.

Treble Costs.

FINIS.