ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. III.

An Act to prohibit the Exportation of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch; and alſo the Extraction of Low Wines and Spirits from Wheat and Wheat-flour, for a limited Time.

WHEREAS it is expedient that the Exportation of any Sort of Corn, Grain, Peaſe, Beans, Meal, Malt, Flour, Bread, Biſcuit, and Starch, out of the Kingdoms of Great Britain, or Ireland, ſhould be prohibited for a limited Time: May it therefore pleaſe Your Majeſty that it may be enacted; and be it 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 paſſing of this Act, no Perſon or Perſons whatſoever ſhall, directly or indirectly, export, tranſport, carry, or

Preamble.

After paſſing this Act, all Sorts of Corn, Grain, &c. tranſported from *Great Britain* or *Ireland*.

or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from the said Kingdoms of Great Britain or Ireland, or load or lay on Board, or cause or procure to be laden or laid on Board, in any Ship or other Vessel, or Boat, in order to be exported or carried out of the said Kingdoms of Great Britain or Ireland, any Sort of Corn, Grain, Pease, Beans, Meal, Malt, Flour, Bread, Biscuit, or Starch, under the Penalties and Forfeitures herein-after mentioned; that is to say, That all the said Commodities that shall be so exported, shipped, or laid on Board, or loaded to be exported, shipped, or carried out contrary to this Act, shall be forfeited; and that every Offender or Offenders therein, shall forfeit the Sum of Twenty Shillings for every Bushel of Corn, Grain, Pease, Beans, Malt, Meal, or Flour, and Twelvepence for every Pound Weight of Bread, Biscuit, or Starch, and so in proportion for any greater or less Quantity which shall be so exported, shipped, or put on Board to be exported; and also the Ship, Boat, or Vessel, upon which any of the said Commodities shall be exported, shipped, or laden to be exported, and all her Guns, Tackle, Apparel, and Furniture, shall be forfeited; and One Moiety of all the said Penalties and Forfeitures shall be to the King's Majesty, his Heirs and Successors, and the other Moiety to him or them that will sue for the same: And for Offences which shall be committed in that Part of Great Britain called England, such Penalties and Forfeitures shall be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, or before the Justices of Assize, or at the Great Sessions in Wales, or by Information at any General Quarter Sessions of the Peace for the County, City, Riding, Division, or Place, where the Offence shall be committed; and in such Suit no Essoin, Protection, Privilege, or Wager of Law, shall be allowed: And for Offences which shall be committed in that Part of Great Britain called Scotland, by Action, or Summary Bill, or Information, in the Courts of Session or Exchequer in Scotland: And for Offences which shall be committed

or loaded in any Ship, &c. for Transportation, shall be forfeited;

and Offenders to forfeit 20 *s.* for every Bushel of Corn, Grain, &c, and 12 *d.* for every *lb.* wt. of Bread, &c.

and also the Ship, Boat, &c. and all her Guns, Tackle, &c.

Offences committed in *England* may be recovered in any of His Majesty's Courts of Record at *Westminster*, &c.

and, in *Scotland*, before the Courts of Session or Exchequer;

committed in Ireland, in His Majesty's Courts of Record in Dublin, or at the General Quarter Sessions of the Peace for the County, City, or Place where the Offence shall be committed: And that the Master and Mariners of any such Ship, Boat, or Vessel, wherein any such Offence shall be committed, knowing such Offence, and wittingly and willingly aiding and assisting thereunto, and being thereof duly convicted, in any such Courts as aforesaid, shall be imprisoned for the Space of Three Months, without Bail or Mainprize.

and Forfeitures incurred in *Ireland*, are recoverable in the Courts of Record in *Dublin*.

The Master and Mariners knowingly aiding such Offence, to be imprisoned for 3 Months.

And it is hereby further enacted by the Authority aforesaid, That in case any Mariner or other Person on Board any Ship or Vessel (other than and except the Master or Person having the Charge or Command thereof) wherein any Corn, Grain, Pease, Beans, Meal, Malt, Flour, Bread, Biscuit, or Starch, shall be exported, contrary to the Intent and Meaning of this Act, shall discover any such Offence to the Commissioners, or any Officer of His Majesty's Customs, within the Space of Five Months after such Offence shall be committed, such Mariner, or other Person (except as aforesaid) making such Discovery, shall, as an Encouragement, have; and be intitled to receive, One Third Part of the Net Money which shall be recovered and paid by Means of such Discovery, after deducting, from the Money recovered, the Charges of prosecuting for and recovering the same; and One other Third Part thereof shall be to the Use of His Majesty, His Heirs, and Successors; and the other Third Part, to such Officer or Officers of His Majesty's Customs, as shall sue and prosecute for the same.

In case any Person on Board, (except the Master) shall discover an Offence to the Commissioners, *&c.* of the Customs, within 5 Months after the Offence;

he shall be intitled to One Third of the Money recovered by Means thereof, after deducting Charges;

another Third to His Majesty's Use;

and the other to the Prosecutor.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons, being an Officer or Officers of the Customs, or being lawfully authorised in this Behalf, by the Lord High Treasurer of Great Britain, or the Commissioners of the Treasury for the Time being, or any Three or more of them, to take and seize all such of the said Commodities, not allowed to be exported by this Act, as he or they shall happen to find,

Officers of the Customs, *&c.* may seize Commodities not allowed to be exported, laid on Board any Ship with Intent to be exported,

know, or discover to be laid on Board any Ship or other Vessel, or Boat, at Sea, or in any Port, or in any navigable River or Water, to the Intent or Purpose to be exported, transported, or conveyed out of Great Britain or Ireland, contrary to the true Intent of this Act; and also the Ship, Vessel, or Boat, in which the same shall be found; and to bring the said Goods to the King's Warehouse or Warehouses, belonging to the Custom-house next to the Place where such Seizures shall be made, or to some other safe Place (where there are no such Warehouses) in order to be proceeded against according to Law; and, in case of Recovery, to be divided in Manner as aforesaid.

and bring the same to the King's Warehouse, &c.

Provided always, That this Act, or any Thing herein contained, shall not extend to prohibit the Exportation of such or so much of the said Commodities as shall be necessary to be carried in any Ship or Ships, or other Vessel or Vessels, in their respective Voyages, for the Sustenance, Diet, and Support of the Commanders, Masters, Mariners, Passengers, or others, in the same Ships or Vessels only, or for the Victualling or providing any of His Majesty's Ships of War, or other Ships or Vessels in His Majesty's Service, or for His Majesty's Forces, Forts, or Garrisons; any Thing herein contained to the Contrary notwithstanding.

Not to extend to prohibit so much of the said Commodities as shall be necessary for Vessels in their respective Voyages,

or for Victualling Ships of War, or any of His Majesty's Garrisons,

Provided also, That this Act, or any Thing herein contained, shall not extend to prohibit any Person or Persons to ship, or put on board, any of the Commodities aforesaid, to be carried Coastwise; that is to say, From any Port, Creek, or Member of the Kingdoms of Great Britain or Ireland, to any other Port, Creek, or Member, of the same respectively, having such or the like Coast Cocquet, or Sufferance, for that Purpose; and such or the like sufficient Security being first given for the landing and discharging the same, in some other Port, Member, or Creek, of the said Kingdoms, and returning a Certificate in Six Months, as is required by Law, in Cases where Goods which are liable to pay Duties on Exportation are carried Coastwise from one Port of Great Britain to another, and not otherwise.

or carrying Coastwise any of the said Commodities, under Coast Cocquets, Security being first given.

Provided

Provided also, That this Act, or any Thing herein contained, shall not extend to any of the said Commodities which shall be exported, or shipped to be exported, out of or from Great Britain to Ireland, or from Ireland to Great Britain, or from Great Britain, or Ireland, to Gibraltar or Minorca, or unto any of his Majesty's Islands or Colonies in America, that have usually been supplied with any of the said Commodities from Great Britain or Ireland, for the Sustentation of the Inhabitants of the said Islands, Colonies, or Dominions, or for the Benefit of the British Fishery in those Parts only, so as the Exporter do, before the Shipping or laying on Board the same, declare the Island, Colony, or Dominion, Islands, Colonies, or Dominions, for which the said Commodities are respectively designed; and do become bound, with other sufficient Security, in Treble the Value thereof, to the Commissioners, or Chief Officer or Officers, of his Majesty's Customs, belonging to the Port or Place where the same shall be shipped or put on Board, (who hath or have hereby Power to take such Security, in his Majesty's Name, and to his Majesty's Use), that such Commodities shall not be landed or sold in any Parts whatsoever, other than the Kingdoms, Dominions, Islands, or Colonies, for which the same shall be so declared; and that a Certificate under the Hand and Seal of the Collector, Comptroller, or other Chief Officer of the Customs; or, if no such, of the Naval Officer, or some other Principal Officer of the Port where the same shall be landed, shall, within the respective Times herein-after for that Purpose mentioned (the Danger of the Seas excepted) be returned to the Officers who took the said Bonds, that the said Commodities have been landed at the Port or Place for which the same shall be so declared; and for the taking of such Security, and for giving such Certificates, (which the respective Officers aforesaid are hereby, on Demand, required to give) no Fee or Reward shall be demanded or received: And if any Officer shall make any false Certificate of any such Commodities being so landed, such Officer shall forfeit the Sum of Two hundred Pounds,

This Act not to extend to hinder any of the said Commodities being shipped out of *Great Britain* to *Ireland*, &c. or from *Great Britain* or *Ireland* to *Gibraltar*, &c.

the Exporter declaring the Island for which they are designed,

and being bound in Treble the Value, that such Corn, &c. shall not be landed or sold at any other Place.

Certificates to be given by Collectors, &c. without Fee.

Officers making false Certificates, to forfeit 200*l*.

and

and lose his Employment, and be incapable of serving his Majesty, his Heirs or Successors, in any Office relating to the Customs: And if any Person shall counterfeit, raze, or falsify any such Certificate, or knowingly publish any such counterfeit, razed, or false Certificate, he shall forfeit the Sum of Two hundred Pounds; and such Certificate shall be void and of no Effect: Which said Penalties for Offences committed in Great Britain or Ireland shall be recovered in the same Courts, and in the same Manner, as the other Penalties inflicted by this Act are recoverable; and for Offences committed in the Colonies or Plantations in America, or other the Dominions belonging to the Crown of Great Britain, in Europe, shall be recovered in the High Court of Admiralty, or in any chief Court of civil or criminal Jurisdiction, in such respective Colonies, Plantations, or Dominions; and shall be divided into equal Moieties between his Majesty and the Informer; and the said Bond or Bonds, if not prosecuted within Three Years, shall be void.

Any Person counterfeiting a Certificate to forfeit 200 *l.* and the Certificate to be void.

Offences in *Great Britain* may be recovered as before directed;

in the Colonies in *America*, and Dominions in *Europe*, before the Court of Admiralty, &c.

Provided also, That nothing herein contained shall extend to prohibit the Exportation of Beans to the British Forts, Castles, and Factories, in Africa; or for the Use of the Ships trading upon that Coast, that usually have been supplied with the same from Great Britain or Ireland; so as the like Security be given for the exporting thereof, as is required by this Act to be given by Persons carrying any of the said Commodities to the British Colonies in America.

Nothing herein to prohibit the Exportation of Beans to the Forts, &c. of *Africa*, or the Ships trading on that Coast;

Provided also, That nothing herein contained shall extend to prohibit the United Company of Merchants of England trading to the East Indies from exporting any of the said Commodities to any of their Forts, Factories or Settlements, for the Support of the Persons residing there, so as the like Security be given for the exporting thereof, as is required by this Act to be given by Persons carrying any of the said Commodities to the British Colonies in America.

nor to prohibit the *East India Company* with supplying their Forts, &c. with Corn, Grain, &c. for the Support of the Persons residing there.

Provided also, That this Act, or any Thing herein contained, shall not extend to any Wheat, Flour, Malt, Barley,

Barley, Bread, Biſcuit, or Peaſe, to be tranſported out of or from the Port of Southampton only unto the Iſlands of Jerſey, Guerniſey, and Alderney, or any of them, for the only Uſe of the Inhabitants of thoſe Iſlands, ſo as the Exporter, before the lading of ſuch Commodities, or laying the ſame on Board, do become bound, with other ſufficient Security, in Treble the Value thereof, which the Cuſtomer or Comptroller of the ſame Port hath hereby Power to take, in His Majeſty's Name, and to His Majeſty's Uſe, and for which Security no Fee or Reward ſhall be given or taken, that ſuch Commodities ſhall be landed in the ſaid Iſlands of Jerſey, Guerniſey, and Alderney, or One of them, (the Danger of the Seas only excepted), for the Uſe of the Inhabitants there, and ſhall not be landed or ſold in any other Parts whatſoever; and to return the like Certificates of the landing the ſame there, as are herein required on the Exportation of the ſaid Commodities to the Britiſh Colonies in America, and within the Time for that Purpoſe herein mentioned; and ſo as the Quantity of Wheat-flour, Malt, Barley, Bread, Biſcuit, and Peaſe, which at any Time or Times, during the Continuance of this Act, ſhall be ſhipped at the ſaid Port for the ſaid Iſlands, or either of them, as aforeſaid, do not exceed, in the Whole, Five thouſand Quarters; any Thing herein contained to the Contrary notwithſtanding.

The Port of *Southampton* only may ſupply the Iſlands of *Jerſey*, &c. with Meal, Barley, &c. not exceeding 5000 Quarters, the Exporter becoming bound in Treble the Value that the Commodities ſhall not be landed or ſold at any other Port;

and to return the Certificates of landing the ſame, as are required of Exporters of Corn, Grain, &c. to the Colonies in *America*.

Provided alſo, That this Act ſhall not extend to any Wheat, Barley, Oats, Meal, or Flour, to be tranſported out of or from the Ports of Whitehaven or Liverpoole only into the Iſle of Man, for the only Uſe of the Inhabitants of that Iſland, ſo as the Exporter, before the lading of ſuch Wheat, Barley, Oats, Meal, or Flour, or laying the ſame on Board, do become bound, with other ſufficient Security, in Treble the Value thereof, which the Cuſtomer or Comptroller of either of the ſaid Ports reſpectively hath hereby Power to take, in His Majeſty's Name, and to His Majeſty's Uſe, for which Security no Fee or Reward ſhall be given or taken, that ſuch Wheat, Barley, Oats, Meal,

The Ports of *Whitehaven* and *Liverpoole* may ſupply the *Iſle of Man* with Wheat, Barley, &c. under the foreſaid Regulations, not exceeding 2500 Quarters.

or Flour, shall be landed in the said Isle of Man, (the Danger of the Seas only excepted) for the Use of the Inhabitants there, and shall not be landed or sold in any other Parts whatsoever; and to return the like Certificates of the landing the same there, as are by this Act required on the Exportation of the said Commodities to the British Colonies in America, and within the Time for that Purpose herein mentioned and so as the whole Quantity of Wheat, Barley, Oats, Meal, and Flour, which at any Time or Times, during the Continuance of this Act, shall be shipped at both the said Ports for the said Isle of Man, shall not exceed in the Whole Two thousand five hundred Quarters; One Moiety thereof to be exported from the said Port of Whitehaven, and the other Moiety thereof to be exported from the said Port of Liverpoole; any Thing herein contained to the Contrary notwithstanding.

Merchants trading to *Africa* may transport any Quantity of Wheat-flour, not exceeding 200 Quarters, and not exceeding 15 Tons of Bread and Biscuit, to the *British* Forts there, under the like Security as for the Colonies in *America*.

Provided also, That nothing in this Act contained shall extend to prohibit the Committee of Merchants trading to Africa from exporting, during the Continuance of this Act, any Quantity of Wheat-flour, not exceeding Two hundred Quarters, or any Quantity of Bread or Biscuit, not exceeding Fifteen Tons in the Whole of such Bread or Biscuit, or of such Bread and Biscuit together, to the British Forts, Castles, and Factories in Africa, for the Support of the Persons residing there, so as the like Security be given for the exporting thereof, as is herein required to be given by Persons carrying the said Commodities to the British Colonies in America.

Commissioners of the Customs to give in a full Account to Parliament, at the Beginning of next Session, of all Corn, Grain, &c. exported to any Place, by virtue of the Liberties of this Act.

And be it further enacted by the Authority aforesaid, That the Commissioners of the Customs for the Time being shall, and they are hereby required to give a full and true Account, in Writing, to both Houses of Parliament, at the Beginning of the next Session thereof, of all Corn, Grain, Pease, Beans, Meal, Malt, Flour, Bread, Biscuit, and Starch, that shall, before that Time, be exported to any Place whatsoever, by virtue or in pursuance of any of the Liberties or Powers hereby given or granted for that Purpose.

And

And be it further enacted by the Authority aforesaid, That all Certificates of the landing and discharging of the said Commodities to be exported, other than Coastwise, shall be returned within the respective Times following; (that is to say) Where the Bonds are taken in respect of any of the said Commodities, to be exported from Great Britain, or Ireland, to any of the said Colonies or Plantations in America, within Eighteen Calendar Months after the Date of such Bonds; and where to Gibraltar or Minorca, within Twelve Calendar Months after the Date of such Bonds; and where to the Islands of Guernsey, Jersey, Alderney, or Man, within Six Calendar Months after the Date of such Bonds; and where from Great Britain to Ireland, or from Ireland to Great Britain, within Six Calendar Months after the Date of such Bonds respectively. When the Certificates of landing and discharging any of the said Commodities shall be returned.

Provided always, and be it enacted by the Authority aforesaid, That no Corn, Grain, Pease, Beans, Meal, Malt, Flour, Bread, Biscuit, or Starch, which shall be exported by virtue of this Act, shall be intitled to any of the Bounties or Drawbacks which are allowed and made payable on the Exportation of such Commodities, or any of them. No Bounty to be given on Exportation, by virtue of this Act.

Provided always, and be it enacted, That nothing herein contained shall extend to prohibit the Exportation of Rice out of this Kingdom. Not to prohibit the Exportation of Rice.

And whereas it is expedient that the Extraction of Low Wines or Spirits from Wheat, or Wheat-flour, should be prohibited for a further Time; be it therefore further enacted by the Authority aforesaid, That from and after the passing of this Act, no Low Wines or Spirits whatsoever shall be made, extracted, or distilled, within this Kingdom, from any Wheat or Wheat flour; and if 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 or Wheat-flour, or from any Grain or other Material mixed with Wheat, or with Wheat-flour, or shall use or mix, or cause or procure to be used After the passing hereof, no Low Wines or Spirits shall be made from Wheat or Wheat-flour, or any Material mixed with Wheat, &c.

used or mixed, any Wheat or Wheat-flour, or any Grain or other Material mixed with Wheat, or with Wheat-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, Washbatch, Cask, Copper, Still, or other Vessel or Utensil, any Wheat or Wheat-flour, or any Grain or other Material mixed with Wheat, or with Wheat-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 or Wheat-flour, and such Worts and Wash, Low Wines and Spirits, and all such Grain, or other Material with Wheat or with Wheat-flour, or the Value thereof, shall be also forfeited.

and if any Person acts to the contrary, he shall forfeit and pay 200 *l.* and all such Wheat, *&c.* shall be forfeited.

And be it further enacted by the Authority aforesaid, That if any Wheat or Wheat-flour, or Grain, or other Material mixed with Wheat or with Wheat-flour, shall 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 October, One thousand seven hundred and seventy-two, all such Wheat and Wheat-flour, and all such Grain or other Material mixed with Wheat or with Wheat-flour, shall be forfeited; and the Person or Persons in whose Possession such Workhouse, Stillhouse, Storehouse, Warehouse,

Wheat or Wheat-flour, *&c.* found in any Stillhouse, *&c.* in which Low Wines shall be made, *&c.* since *Oct.* 1, 1772, shall be forfeited,

and the Persons occupying such Stillhouse, *&c.* shall forfeit 100 *l.*

Warehouse, or Place, shall be, shall, for every Offence respectively, also forfeit and pay the Sum of One hundred Pounds.

Persons authorised by the Commissioners, or Justices of Peace, may enter any Workhouses, &c. where Low Wines, &c. are suspected to be made since Oct. 1, 1772.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons, who shall be authorised 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 October, One thousand seven hundred and seventy-two, 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 is carrying on; and in case any Officer of Excise shall have reason to suspect that any Wheat, or Wheat-flour, or any Grain, or other Material mixed with Wheat, or with Wheat-flour, is contained in any Bag, Sack, or other Package, or is mixed in any Worts or Wash, or in any other Preparation for making, extracting, or distilling, Low Wines or Spirits, it shall and may be lawful for such Officer, at any Time or Times during the Continuance of this Act, upon Payment of Two Shillings and Sixpence, to take a Sample, not exceeding Two Quarts of any such Wheat or Wheat-flour, or of any such Grain, or other Material mixed with Wheat, or with Wheat-flour, or of any such Worts or Wash, 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

and inspect all the Materials.

On Suspicion of Wheat or Wheat-flour being mixed with any other Material, a Sample may be taken, paying 2 s. 6 d.

If any Distiller, &c. refuse Admittance, he shall forfeit 100 l.

refuse to admit such Person or Persons as shall be so authorised, 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 Sixpence 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 authorised as aforesaid, having a Warrant for that Purpose from any Two or more of the Commissioners of the Excise, or any Justice or Justices respectively, as aforesaid, to seize, take, and carry away, all such Wheat and Wheat-flour, and all such Grain or other Material mixed with Wheat or with 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.

Persons lawfully authorised by the Commissioners, &c. may seize and carry away all such Wheat, &c.

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

If any Distiller have more Wheat than Five Quarters, he is to forfeit 5 *l.* and all the Overplus.

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

This Act not to extend to Distillers who are Growers of Wheat,

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.

provided such Wheat be not in their Possession above 20 Days, and not kept in a Place for distilling Low Wines.

Provided also, and be it further enacted by the Authority aforesaid, That this Act shall not extend to inflict the last-mentioned Penalty and Forfeiture upon any Distiller or Maker of Low Wines or Spirits, who practises the Trade of a Miller, by grinding Corn for Hire, or who sells Corn, Flour, Meal, or Bran, as other Persons following the Trade of a Miller usually do, and who was possessed of and worked any Mill or Mills for the grinding of Wheat, in the Course of his Trade as a Miller, on or before the First Day of October, One thousand seven hundred and sixty-six, for or upon Account of any Quantity of Wheat or Wheat-flour which shall, during the Continuance of this Act, be found in any such Mill or Mills; any Thing in this Act contained to the Contrary hereof notwithstanding.

Not to extend to a Distiller who is a Miller, on account of what may be found in his Mill.

And be it further enacted by the Authority aforesaid, That in case any Officer or Officers of Excise, or any other Person or Persons, shall, at any Time or Times, have Cause to suspect that any Wheat or Wheat-flour, or any Grain or other Material mixed with Wheat or with Wheat-flour, in any Quantity 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

Officers of Excise suspecting Wheat, &c. above Five Quarters to be laid up in any Storehouse belonging to to a Distiller,

Justices may grant Warrant to enter such Storehouse, &c.

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, 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 their respective Hands and Seals, to authorise and impower such Officer or Officers, or other Person or Persons authorised 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, Granary, or other Place or Places where he or they shall suspect that any Wheat or Wheat-flour, exceeding the Quantity of Five Quarters, or any Grain or other Material mixed with Wheat or with Wheat-flour in any Quantity, 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 and Wheat-flour over and above the said Quantity of Five Quarters, and all such Grain, or other Material mixed with Wheat, or with Wheat-flour, as he or they shall so find together, with all the Sacks, Bags, or other Things, wherein the same shall respectively be contained; and such Distiller or Maker of Low Wines or Spirits, or the Person or Persons in whose Custody or Possession such Wheat or Wheat-flour, exceeding the said Quantity of Five Quarters, 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 such Distiller or Maker of Low Wines, or Spirits, or the Person or Persons in whose Custody or Possession such Grain or other Material mixed with Wheat, or with Wheat-flour, belonging to such Distiller shall be found, shall, for every such Offence respectively, forfeit and lose the

and to seize and carry away all the Wheat and Wheat-flour, above five Quarters, and the Sacks, &c.

and forfeit 5*l.* for every Quarter, over the said Quantity.

Distillers who have Grain or other Material mixed with Wheat, *etc.* shall forfeit 50*l.*

the Sum of Fifty Pounds; and the said Officer or Officers, and other Person or Persons, is and 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, Granaries, and other Place or Places, and break open the Doors thereof, in case they be not opened on Demand.

Officers refused Admittance to Storehouses, &c. may break open the Doors.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed, and for the Recovery and Application whereof no other Provision is herein-before made, shall be sued for, and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record in Westminster, or in the Court of Exchequer in Scotland.

How and where Penalties may be recovered.

And that the respective Courts before whom the same shall be recovered may and are hereby authorised, (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 such 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.

Courts may mitigate the Penalties, if they see Cause, to One Fourth of the Sum mentioned.

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

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

Persons, against whom Actions shall be commenced, may plead the General Issue.

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 if the Pursuer shall not insist on his Action, or if Judgement shall be given against such Pursuer, the Defendant shall and may recover the full and real Expences he may have been put to by any such Action or Suit.

Defendant may recover Treble Costs,

Defendant in *Scotland* may plead this Act,

and if Judgement be given against the Pursuer, he may recover his Expences, &c.

And be it further enacted by the Authority aforesaid, That this Act shall continue until the First Day of January, One thousand seven hundred and seventy-four.

This Act to continue till *Jan.* 1, 1774.

Provided nevertheless, That the said Continuation may be abridged or shortened, and this Act, or any Part thereof, may be altered and varied by any other Act or Acts to be made in this present Session of Parliament.

Proviso.

4 FINIS.