Anno ſecundo

Georgii III. Regis.

CAP. XIV.

An Act to prevent vexatious Proceedings againſt Brewers, Victuallers, and others, with reſpect to the Prices of Beer and Ale; for better ſecuring the Revenue upon Strong Beer and Ale, by preventing fraudulent mixing thereof; to repeal ſo much of an Act made in the Firſt Year of the Reign of His preſent Majeſty, as extends certain Proviſions relative to the Exportation of Spirituous Liquors to the Exportation of Strong Beer and Ale; and for the more effectual preventing the Re-landing of Beer, Ale, Cyder, and Mum, ſhipped for Exportation as Merchandize.

WHEREAS Brewers, Innkeepers, Victuallers, or other Retailers of Strong Beer or Ale, have been threatened with, and may be ſubject to, vexatious Proſecutions for advancing, or having advanced, the Price of Strong Beer or Ale, however juſtly and reaſonably: Now, in order to prevent ſuch vexatious Proceedings, May it pleaſe Your moſt Excellent Majeſty, that it may be enacted; and be it therefore enacted by the King's moſt Excellent Majeſty, Preamble.

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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 no Brewer, Innkeeper, Victualler, or other Retailer of Strong Beer or Ale ſhall, at any Time hereafter, be ſued, impleaded, or moleſted, by Indictment, Information, popular Action, or otherwiſe, for advancing, or having advanced, the Price of Strong Beer or Ale in a reaſonable Degree; any Law or Statute to the contrary notwithſtanding.

The Price of Strong Beer and Ale may be reaſonably advanced, without ſubjecting the Vender to Proſecution.

And whereas the mixing Strong Beer, Ale, or Strong Worts, with Small Beer or Small Worts, or with Water, either by the Brewer, after the Gauge thereof hath been taken, or by the Victualler, after ſuch Strong Beer, Ale, or Strong Worts, ſhall be ſold and delivered to him or her, is greatly detrimental to His Majeſty's Revenue, and is an Impoſition upon the Conſumer, and hinders the Sale of genuine Strong Beer and Ale; and the Proviſions already eſtabliſhed by Law are found to be inſufficient to prevent the ſame: For Remedy thereof, and for the more effectual Prevention of ſuch Frauds, be it hereby enacted by the Authority aforeſaid, That from and after the paſſing of this Act, if any common or other Brewer, Innkeeper, Victualler, or Retailer of Beer or Ale, ſhall mix, or cauſe or ſuffer to be mixed, in any Veſſel, Tub, Meaſure, or otherwiſe howſoever, any Strong Beer, Ale, or Strong Worts, with any Small Beer or Small Worts, or with Water, after the Gauge of ſuch Strong Beer, Ale, or Strong Worts, ſhall have been taken by an Officer of Exciſe, every ſuch Perſon ſo offending, for every ſuch Offence, ſhall reſpectively forfeit and loſe the Sum of Fifty Pounds.

50 *l.* Penalty on fraudulently mixing Strong Beer, Ale, or Strong Worts, with other Liquors.

And whereas by a Clauſe in an Act of Parliament paſſed in the Firſt Year of the Reign of His preſent Majeſty, intituled, An Act for granting to His Majeſty an additional Duty upon Strong Beer and Ale; and for raiſing the Sum of Twelve Millions by way of Annuities, and a Lottery, to be charged on the ſaid Duty; and for further encouraging the Exportation of Strong Beer and Ale; it was provided and enacted, That all the Rules, Regulations, Directions, Powers, Penalties, Forfeitures, Clauſes, Matters, and Things, which, by an Act made in the then laſt Seſſion of Parliament (intituled, An Act for preventing the exceſſive Uſe of Spirituous Liquors by laying additional Duties thereon; for ſhortening the Prohibition of making Low Wines and Spirits from Wheat, Barley, Malt, or other Grain, and from Meal, Flour, and Bran; for encouraging the Exportation of *Britiſh* made

Recital of Clauſe in Act 1 *Geo.* III.

Spirits, and for more effectually ſecuring the Duties payable upon Spirits, and preventing the fraudulent Re-landing or Importation thereof) were provided, ſettled, eſtabliſhed, and inflicted, for and in reſpect to the paying and allowing the Drawback and Bounty thereby granted upon Spirits exported as Merchandize, and for preventing, detecting, and puniſhing, Frauds and Abuſes in the re-landing the ſame, and all other Frauds and Abuſes previous to the Shipping, or relating to the Exportation of ſuch Spirits, and the obtaining ſuch Drawback and Bounty, not otherwiſe thereby altered, ſhould, except ſuch Parts as relate to the Size of the Casks, and Burden of the Ships or Veſſels, be exerciſed, practiſed, applied, levied, recovered, and put in Execution, for paying and allowing the Drawback and Bounty thereby granted upon Beer and Ale, and for preventing, detecting, and puniſhing, Frauds and Abuſes in the re-landing ſuch Beer or Ale, and all other Frauds and Abuſes previous to the Shipping, or relating to the Exportation thereof, and the obtaining of the ſaid Drawback and Bounty, as fully and effectually, to all Intents and Purpoſes, as if all and every the ſaid Rules, Regulations, Directions, Powers, Penalties, Forfeitures, Clauſes, Matters, and Things, were particularly repeated, and again re-enacted, in the Body of the ſaid recited Act: And whereas it is found by Experience, that the like Rules, Regulations, and Directions, which are eſtabliſhed for enforcing the due Exportation of Spirits, are not neceſſary to enforce the due Exportation of Strong Beer or Ale, but are found to be inconvenient; be it therefore enacted and declared by the Authority aforeſaid, That, from and after the paſſing of this Act, the ſaid recited Clauſe, and every Article, Matter, and Thing, therein contained, ſhall be and are hereby repealed, and made null and void.

The recited Clauſe repealed.

And whereas the Proviſion eſtabliſhed by an Act of Parliament made in the First Year of the Reign of Their late Majeſties King William and Queen Mary, intituled, An Act for the Exportation of Beer, Ale, Cyder, and Mum; for preventing the Re-landing the ſaid Liquors ſhipped in any Veſſel for Exportation, as Merchandize; extends only to the re-landing ſuch Liquors within the Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed: And whereas it is neceſſary that the ſaid Proviſion ſhould be amended and enforced, and extended to all Parts of Great Britain; be it therefore enacted by the Authority aforeſaid, That from and after the Twenty fourth Day of June, One thouſand ſeven hundred and ſixty two, if any Merchant

Proviſion in Act 1 *Will. & Mary.*

All Beer, Ale, Cyder, and Mum, which ſhall be re-landed, &c. after being ſhipped for Exportation, is to be forfeited, with 50 *l.* for every Caſk thereof.

or Maſter of any Ship or Veſſel, or other Perſon, ſhall cauſe or ſuffer any of the ſaid Liquors, which ſhall be ſhipped for Exportation as Merchandize, to be unſhipped, unladen, or laid on Land, or put into any other Ship or Veſſel within the Kingdom of Great Britain, he, ſhe, or they ſhall forfeit the ſame, together with the Caſks and Package containing the ſame, and alſo the Sum of Fifty Pounds for every Caſk of ſuch reſpective Liquor he, ſhe, or they ſhall ſo unduly unſhip, unlade, or lay on Land, or put on Board any other Ship or Veſſel; which ſaid reſpective Liquors ſo unduly unſhipped, unladen, or laid on Land, or put on Board any other Ship or Veſſel, ſhall and may be ſeized by any Officer or Officers of the Cuſtoms or Exciſe.

Recovery and Application of Penalties.

And be it further enacted and declared by the Authority aforeſaid, That all Fines, Penalties, and Forfeitures impoſed by this Act, ſhall be ſued for, levied, recovered, or mitigated, by ſuch Ways, Means, and Methods, as any Fine, Penalty, or Forfeiture, is or may be recovered or mitigated by any Law or Laws of Exciſe or other Duties, under the Management of the Commiſſioners of Exciſe, or 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 reſpectively; and that One Moiety of every ſuch Fine, Penalty, or Forfeiture, ſhall be to His Majeſty, His Heirs, and Succeſſors, and the other Moiety to him or them who ſhall diſcover, inform, or ſue for the ſame.

General Iſſue.

And be it hereby further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall be ſued, moleſted, or proſecuted for any thing done by virtue or in purſuance of this Act, ſuch Perſon or Perſons ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence, in his or their Defence or Defences; and if afterwards a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall diſcontinue his, her, or their Action or Actions, or be nonſuited, or Judgement ſhall be given againſt him, her, or them, upon Demurrer, or otherwiſe; then ſuch Defendant or Defendants ſhall have Treble Coſts awarded to him, her, or them, againſt ſuch Plaintiff or Plaintiffs.

Treble Coſts.

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FINIS.