ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. CXIX.

An Act to prohibit, for a limited Time, the making of Low Wines or Spirits from Wheat, Barley, Malt, or any other Sort of Grain, or from any Meal, Flour, or Bran; and for permitting Home-made Spirits, depoſited in the Warehouſes for Exportation, to be taken out for Home Conſumption, on Payment of Duty. [26th *June* 1795.]

WHEREAS it is expedient that the Diſtillation of Low Wines or Spirits, and the making or preparing of Wort or Waſh for the Diſtillation of Low Wines or Spirits, from Wheat, Barley, Malt, and all other Sorts of Grain, and from Meal, Flour, or Bran, 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 Tenth Day of *July* One thouſand ſeven hundred and ninety-five, until and upon the Firſt Day of *February* One thouſand ſeven hundred and ninety-ſix, in that Part of *Great Britain* called *England*; and from and after the Seventeenth Day of *July* One thouſand ſeven hundred and ninety-five, until and upon the Firſt Day of *February* One thouſand ſeven hundred and ninety-ſix, in that Part of *Great Britain* called *Scotland*; no Low Wines or Spirits ſhall be brewed, made, prepared, extracted, or diſtilled, from any Wheat, Barley, Malt, or Tilts, or any other Sort of Corn or Grain, or from any Meal, Flour, or Bran, or any Mixture with the ſame.

Preamble.

No Spirits to be diſtilled from Corn or Grain in *Great Britain* for a certain Periods

II. And be it further enacted by the Authority aforeſaid, That if, during the Time before limited, any Diſtiller or Diſtillers, Maker or Makers, of Low Wines or Spirits, or any other Perſon or Perſons whatſoever, ſhall brew, make, prepare, extract, or diſtil, or cauſe or procure to be brewed, made, prepared, extracted, or diſtilled, any Low Wines or Spirits from any Wheat, Barley, Malt, or other Corn or Grain, or from any Meal, Flour, or Bran, or any Mixture with the ſame, or ſhall uſe or mix, or cauſe or procure to be uſed or mixed, any Wheat, Barley,

Penalty of 500 *l.* with the Corn, &c. for ſo diſtilling.

ley, Malt, or other Corn or Grain, or any Meal, Flour, or Bran, in any Wort or Wash, in order for the brewing, making, preparing, extracting, or distilling any 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, any Wheat, Barley, Malt, or other Corn or Grain, or any Meal, Flour, or Bran, or any Mixture with the same, for the Purpose of preparing any Wort or Wash, or for brewing, making, preparing, extracting, or distilling, any Low Wines or Spirits, whether such Tun, Wash-batch, Cask, Copper, Still, or other Vessel or Utensil, shall or shall not have been or be duly entered at the Excise Office, that then, and in each and every of the said Cases, such Distiller or Distillers, Maker or Makers, of Low Wines or Spirits, or other Person or Persons acting contrary to the Directions of this Act, and the Person or Persons in whose Custody or Possession any such Tun, Wash-batch, 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 severally and respectively, for every such Offence, forfeit and pay the Sum of Five hundred Pounds; and all such Wheat, Barley, Malt, and other Corn or Grain, and such Meal, Flour, and Bran, or other Mixture with the same, and such Wort and Wash, Low Wines, and Spirits, shall be forfeited, and shall and may be seized by any Officer or Officers of Excise.

Penalty not to extend to distilling from Wash openly brewed before certain Days.

III. Provided always nevertheless, and be it further enacted, That nothing in this Act contained shall extend, or be deemed or construed to extend, to subject any entered Distiller to the said Penalty of Five hundred Pounds, for or by Reason of his extracting or distilling any Low Wines or Spirits from any Wash openly brewed in his entered Distillery, on or before the Fifth Day of *July* One thousand seven hundred and ninety-five in that Part of *Great Britain* called *England*, or on or before the Twelfth Day of *July* One thousand seven hundred and ninety-five in that Part of *Great Britain* called *Scotland*; any Thing in this Act contained to the contrary in anywise notwithstanding.

Wheat, &c. found in any Stillhouse, &c. after cert. in Days, forfeited, and 200 *l.*

IV. 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 Wort or Wash, shall be preparing, or shall be brewed, made, extracted, distilled, or prepared, or where any Low Wines or Spirits, or Wort or Wash, shall have been brewed, made, extracted, distilled, or prepared, after the Tenth Day of *July* One thousand seven hundred and ninety-five, in that Part of *Great Britain* called *England*, and after the Seventeenth Day of *July* One thousand seven hundred and ninety-five, in that Part of *Great Britain* called *Scotland*, all such Wheat, Wheat Meal, and Flour, shall be forfeited, and shall and may be seized by any Officer or Officers of Excise, 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 Two hundred Pounds.

During the limited Period the Commissioners of Excise and Justices of Peace in *England* may authorize Persons, with

V. 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

Time or Times with any Officer of Excise to enter into any Workhouse, Stillhouse, Storehouse, Warehouse, or any other Place whatsoever, wherein any Low Wines or Spirits, or Wort or Wash, shall be or are suspected to be preparing, or to be brewed, made, or extracted, distilled, or prepared, or wherein Low Wines or Wort, or Wash, shall have been made, brewed, extracted, distilled, or prepared, after the said Tenth Day of *July* One thousand seven hundred and ninety-five, and Seventeenth Day of *July* One thousand seven hundred and ninety-five respectively, 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 Corn or Grain, or any Meal, Flour, or Bran, is mixed in any Wort or Wash, or in any other Material or Preparation for brewing, 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 Sixpence, to take a Sample not exceeding Two Quarts of any such Wort or Wash, Material or Preparation, which shall be found in any such House or other Place aforesaid; and in case any Distiller or Distillers, Maker or Makers, 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 or Distillers, Maker or Makers, or Owner or Occupier belonging, shall refuse to admit such Person or Persons as shall be so authorized, or any Officer or Officers 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, every such Distiller or Maker, Owner or Occupier, shall, for every such Offence, respectively forfeit and pay the Sum of Two 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, Barley, Malt, and other Corn or Grain, and all such Meal, Flour, and Bran, as shall be found in any such House or other Place, together with all the Vessels, Sacks, Bags, and other Things, in which the said Commodities shall be contained.

Officers of Excise, to enter Stillhouses, &c. to inspect Materials and Utensils.

If Officer suspect Corn to be mixed in Wort he may take a Sample:

Penalty of 200 *l.* for obstructing Inspection, or not allowing a Sample to be taken.

Corn found may be seized.

VI. 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 Tenth Day of *July* One thousand seven hundred and ninety five, until and upon the First Day of *February* One thousand seven hundred and ninety-six, in that Part of *Great Britain* called *England*; and from and after the Seventeenth Day of *July* One thousand seven hundred and ninety-five, until and upon the First Day of *February* One thousand seven hundred and ninety-six, in that Part of *Great Britain* called *Scotland*, 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, brewing, making, extracting, distilling, or keeping Wort or Wash, Low Wines or Spirits), every such Distiller or Distillers, Maker or Makers, of Low Wines and

Distillers having in the limited Period more than 5 Quarters of Wheat, &c. in any Place, (except Stillhouse), to forfeit the Surplus and 10 *l.* *per* Quarter;

Spirits, ſhall, for every ſuch Offence, reſpectively forfeit all ſuch Wheat, Wheat Meal, and Flour, exceeding the ſaid Quantity of Five Quarters, and alſo the Sum of Ten Pounds for every Quarter ſo forfeited: 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 that 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 brewing, making, extracting, or diſtilling Low Wines or Spirits, or for preparing or keeping Wort or Waſh: 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 Tenth Day of *July* One thouſand ſeven hundred and ninety-five, for or upon Account of any Quantity of Wheat which ſhall, during the Time herein before limited, be found not wetted or ſteeped in any ſuch Mill or Mills; any Thing herein contained to the contrary notwithſtanding.

Penalty not to extend to Diſtillers being Growers of Wheat, or Millers, in certain Caſes.

VII. 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, 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 authorize and empower 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, Granary, 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 Diſtillers, Maker or Makers, of Low Wines or Spirits, and to ſeize, take, and carry away, all ſuch Wheat, Wheat Meal, and Flour, as he or they ſhall ſo find, (over and above the ſaid Quantity of Five Quarters), together with all the Veſſels, Sacks, Bags, or other Things wherein the ſame ſhall be contained; and ſuch Diſtiller or Diſtillers, Maker or Makers, of Low Wines or Spirits, or the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion

On Oath of Ground of Suſpicion that more than Five Quarters of Wheat, &c. is kept in any Storehouſe, &c. Officers and other Perſons may be authoriſed to ſearch for, and may ſeize the Surplus; and the Perſons in whoſe Cuſtody found, to forfeit 10 *l. per* Quarter.

ſion ſuch Wheat, Wheat Meal, or Flour, belonging to ſuch Diſtiller or Diſtillers, Maker or Makers, ſhall be found, ſhall, for every ſuch Offence, reſpectively forfeit and pay the ſaid Penalty of Ten 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 empowered 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 forthwith opened on Demand. Doors may be broken open.

VIII. And be it further enacted by the Authority aforeſaid, That all Fines, Penalties, and Forfeitures, impoſed by this Act, ſhall be ſued for, recovered, levied, or mitigated, by ſuch Ways, Means, or Methods, as any Fine, Penalty, or Forfeiture, may be ſued for, recovered, levied, or mitigated, by any Law or Laws 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 inform, diſcover, or ſue for the ſame. Recovery and Application of Penalties.

IX. And whereas there may have been Contracts made by Diſtillers, with ſeveral Perſons, for Spirits, Grains, or Yeſt, to be delivered and received at future Times, after the Tenth Day of *July* One thouſand ſeven hundred and ninety-five; 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 Spirits, Grains, or Yeſt, to be delivered at any Time during the Continuance of this Act, ſhall be and are hereby declared to be ſuſpended. Contracts for Delivery of Spirits during the Continuance of this Act void.

X. 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 One Calendar Month 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 or Plaintiffs, 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. Limitation of Actions. General Iſſue. Treble Coſts. This Act may be pleaded in *Scotland*.

XI. And whereas, by divers Laws now in force, certain annual Duties are impoſed upon Stills uſed for diſtilling Spirits from Corn or Grain, in Proportion to the Contents of ſuch Stills: And whereas Commiſſioners of Exciſe in *Scotland* to make an Al-

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Allowance of the Duties on Stills for the Time they are prevented working under this Act.

It is reaſonable that an Allowance ſhould be made for ſuch Part of the uſual Seaſon for diſtilling, during which they may be prevented from working in conſequence of this Act: Be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Commiſſioners of Exciſe in *Scotland*, or any Four of them, to make ſuch Allowances to the Perſons taking out ſuch Licences reſpectively, as ſhall appear to the ſaid Commiſſioners, with the Approbation of the Lords Commiſſioners of His Majeſty's Treaſury, or any Three of them, to be reaſonable.

His Majeſty may authorize the making of Spirits at any Time after *July* 10, 1795.

XII. Provided always, and be it enacted by the Authority aforeſaid, That in caſe His Majeſty, at any Time or Times after the Tenth Day of *July* One thouſand ſeven hundred and ninety-five, ſhall, in His Royal Diſcretion, judge it to be moſt for the Benefit and Advantage of this Kingdom, to permit the making of Low Wines and Spirits from Wheat, Barley, Malt, or any other Sort of Grain, or from any Meal, Flour, or Bran, that then it ſhall and may be lawful to and for His Majeſty, by His Royal Proclamation or Proclamations to be iſſued, by and with the Advice of His Privy Council, or by His Majeſty's Order in Council, to be publiſhed in the *London Gazette*, from Time to Time, to permit and ſuffer all and every Perſon and Perſons, Natives and Foreigners, (but not any particular Perſon or Perſons), at any Time or Times after the ſaid Tenth Day of *July* One thouſand ſeven hundred and ninety-five, to make Low Wines and Spirits from Wheat, Barley, Malt, or any other Sort of Grain, or from any Meal, Flour, or Bran; any Thing herein contained to the contrary notwithſtanding.

Spirits from Corn, depoſited in Warehouſes for Exportation before *June* 20, 1795, may be taken out for Home Conſumption on Payment of Duty.

XIII. And be it further enacted by the Authority aforeſaid, That if any Diſtiller or Diſtillers, who ſhall have depoſited any Spirits drawn or made in *Great Britain* from Corn, before the Twentieth Day of *June* One thouſand ſeven hundred and ninety-five, for Exportation to Parts beyond the Seas, according to the Rules, Regulations, and Proviſions, of an Act made in the Second Year of His preſent Majeſty's Reign, among other Things, for better regulating and encouraging the Exportation of *Britiſh*-made Spirits in any ſuch Warehouſe as is mentioned in the ſaid Act, ſhall be deſirous of uſing any ſuch Spirits for Home Conſumption, and ſhall ſignify ſuch his, her, or their Deſire to the Commiſſioners of Exciſe in *England* and *Scotland* reſpectively for the Time being, the ſaid reſpective Commiſſioners reſpectively ſhall direct the Quantity of Spirits ſo deſired to be taken out of ſuch Warehouſe, and delivered to ſuch Diſtiller or Diſtillers, he, ſhe, or they having firſt duly paid to the proper Officer or Officers of Exciſe a Duty of Exciſe at and after the Rate of Forty Pounds Eighteen Shillings and Two-pence Farthing for each Ton of ſuch Spirits of the Strength they were taken into ſuch Warehouſe, (that is to ſay), One in Six under Hydrometer Proof, any Acts of Parliament to the contrary thereof in anywiſe notwithſtanding; and the ſaid Duty ſhall be applied in like Manner as the ſaid Duties by Law impoſed for or in reſpect of fermented Wort or Waſh, brewed or made in that Part of *Great Britain* called *England*, from Malt, Corn, Grain, or Tilts, for extracting Spirits for Home Conſumption, and for or in reſpect of Stills uſed or employed in that Part of *Great Britain* called *Scotland*, for making of Low Wines or Spirits, from Corn, Grain, Malt, Tilts, Cyder, or Perry, or other Waſh or Liquor, made or brewed from *Britiſh* Materials, are now directed to be applied.

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