ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. XX.

An Act to continue, for a further limited Time, an Act, made in the laſt Seſſion of Parliament, intituled, *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*; and to prohibit the Diſtillation of Low Wines or Spirits from Melaſſes of the Manufacture of this Kingdom, or from Sugar or Potatoes. [24th *December* 1795.]

Preamble.

WHEREAS the Act herein-after mentioned has by Experience been found uſeful and beneficial, and is near expiring: And whereas it is expedient to prevent the Diſtillation of Spirits from Melaſſes of the Manufacture of this Kingdom, or from Sugar, and alſo from Potatoes: 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,

35 *Geo.* III, Cap. 119, continued till *Feb.* 1, 1797.

Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act, made in the Thirty-fifth Year of the Reign of His preſent Majeſty, intituled, *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*, ſhall be, and the ſame is hereby further continued until the Firſt Day of *February* One thouſand ſeven hundred and ninety-ſeven.

From *Dec.* 18, 1795, in *England*, and *Dec.* 22 in *Scotland*, the Proviſions of before-mentioned Act to extend to diſtilling from Melaſſes of this Kingdom, Sugar, or Potatoes.

II. And be it further enacted by the Authority aforeſaid, That, from and after the Eighteenth Day of *December* One thouſand ſeven hundred and ninety-five in that Part of *Great Britain* called *England*, and from and after the Twenty-ſecond Day of *December* One thouſand ſeven hundred and ninety-five in that Part of *Great Britain* called *Scotland*, all and ſingular the Fines, Penalties, Forfeitures, Clauſes, Matters, and Things, contained, provided, ſettled, or eſtabliſhed, in or by the ſaid Act made in the laſt Seſſion of Parliament, to prohibit the Diſtillation of Low Wines or Spirits from Wheat, Barley, Malt, Corn, Grain, Meal, Flour, Bran, or any Mixture therewith reſpectively, ſhall extend, and ſhall be deemed and conſtrued to extend, to the brewing, making, preparing, extracting, or diſtilling, of Low Wines and Spirits reſpectively, from Melaſſes of the Manufacture of this Kingdom, or from Sugar or Potatoes, or any Mixture with the ſame reſpectively, and to all and every Perſon and Perſons who ſhall brew, make, prepare, extract, or diſtil, Low Wines or Spirits reſpectively from Melaſſes of the Manufacture of this Kingdom, or from Sugar, or from Potatoes, or any Mixture with the ſame reſpectively; and that the ſaid Fines, Penalties, Forfeitures, Clauſes, Matters, and Things, ſhall be uſed, applied, practiſed, and put in Execution, againſt the making, preparing, extracting, and diſtilling, of Low Wines and Spirits reſpectively, from Melaſſes of the Manufacture of this Kingdom, or from Sugar, or from Potatoes, or any Mixture with the ſame reſpectively, and to all and every Perſon and Perſons who ſhall brew, make, prepare, extract, or diſtil, Low Wines or Spirits from Melaſſes of the Manufacture of this Kingdom, or from Sugar or Potatoes, or any Mixture with the ſame reſpectively, as fully and amply as if the ſame had been expreſsly provided in and by the ſaid Act.

Act not to extend to diſtilling from Waſh brewed from Melaſſes, &c. on or before *Dec.* 14, in *England*, and *Dec.* 22, in *Scotland*.

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 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 from Melaſſes of the Manufacture of this Kingdom, or from Sugar, or from Potatoes, on or before the Fourteenth Day of *December* One thouſand ſeven hundred and ninety-five, in that Part of *Great Britain* called *England*, or on or before the Twenty-ſecond Day of *December* One thouſand ſeven hundred and ninety-five in that Part of *Great Britain* called *Scotland*; any Thing in the ſaid recited Act or in this Act contained to the contrary in anywiſe notwithſtanding.

Diſtillers, during the Continuance of

IV. 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 Eighteenth Day of *December* One thouſand ſeven hundred and ninety-five, until and upon the Firſt Day of *February* One thouſand ſeven hundred and ninety-ſeven, in that Part of *Great Britain* called *England*, and from and after the Twenty-ſecond Day of *December* One thouſand ſeven hundred and ninety-five, until and upon the firſt Day of *February* One thouſand ſeven hundred and ninety-ſeven, 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 Ten Pounds Weight of ſuch Melaſſes, or more than Twenty Buſhels of Potatoes, 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, or Maker or Makers of Low Wines or Spirits, ſhall for every ſuch Offence reſpectively forfeit all ſuch Melaſſes and Potatoes reſpectively, and alſo the Sum of One hundred Pounds for ſuch Melaſſes, and the Sum of Ten Pounds for every Buſhel of Potatoes.

this Act, having in their Poſſeſſion (except in Places for Diſtillation) more than a certain Quantity of Melaſſes or Potatoes, liable to Penalty.

V. Provided always, and be it further enacted, That nothing herein before contained ſhall extend to prohibit any Diſtiller or Maker of Low Wines or Spirits from having or keeping in his or her Poſſeſſion, any Quantity of Potatoes for the neceſſary Conſumption of his or her Family, or being of the Growth of ſuch Diſtiller or Maker reſpectively, provided that Notice ſhall be given to the Officer of Excife under whoſe Survey ſuch Diſtiller or Maker ſhall then be, of the Place or Places of growing ſuch Potatoes of the Growth of ſuch Diſtiller or Maker reſpectively, on or before the Thirtieth Day of *December* One thouſand ſeven hundred and ninety-five in that Part of *Great Britain* called *England*, and the Fifth Day of *January* One thouſand ſeven hundred and ninety-ſix in that Part of *Great Britain* called *Scotland*.

Not to extend to Potatoes kept for the Conſumption of the Family, or of the Growth of the Diſtiller, if due Notice be given to the Excife Officer.

VI. And be it further enacted by the Authority aforeſaid, That in caſe any Officer or Officers of Excife, or any other Perſon or Perſons, ſhall at any Time or Times have Cauſe to ſuſpect that any ſuch Melaſſes exceeding the ſaid Quantity of Ten Pounds Weight, or any Potatoes exceeding the ſaid Quantity of Twenty Buſhels, ſhall be laid or kept in any Storehouſe, Warehouſe, or other Place or Places, 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 any other Perſon or Perſons, before the Commiſſioners of Excife 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, 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

On Oath of Ground of Suſpicion that more than the allowed Quantity of Melaſſes or Potatoes is kept in any Storehouſe, &c. Officers of Excife and others may be authorized to ſearch, and may ſeize the Surplus, and the Perſon in whoſe Cuſtody found liable to Penalty.

every Storehouſe, Warehouſe, or other Place or Places where he or they ſhall ſo ſuſpect that any ſuch Melaſſes exceeding the ſaid Quantity of Ten Pounds Weight, or any Potatoes exceeding the ſaid Quantity of Twenty Buſhels as aforeſaid, ſhall be laid or kept, belonging to any ſuch Diſtiller or Diſtillers, or Maker or Makers of Low Wines or Spirits, and to ſeize, take, and carry away, all ſuch Melaſſes exceeding the ſaid Quantity of Ten Pounds Weight, and ſuch Potatoes exceeding the ſaid Quantity of Twenty Buſhels, as he or they ſhall ſo find, together with all the Veſſels, Sacks, Bags, or other Things wherein the ſame ſhall be contained; and ſuch Diſtiller or Diſtillers, or Maker or Makers of Low Wines or Spirits, or other Perſon or Perſons in whoſe Cuſtody or Poſſeſſion ſuch Melaſſes exceeding the ſaid Quantity of Ten Pounds Weight, or ſuch Potatoes exceeding the ſaid Quantity of Twenty Buſhels, as aforeſaid, belonging to ſuch Diſtiller or Diſtillers, or Maker or Makers ſhall be found, ſhall for every ſuch Offence reſpectively forfeit and pay the ſaid Penalty of One hundred Pounds for ſuch Melaſſes exceeding the ſaid Quantity of Ten Pounds Weight, and the Sum of Ten Pounds for every Buſhel of ſuch Potatoes exceeding the ſaid Quantity of Twenty Buſhels; and the ſaid Officer or Officers and other Perſon or Perſons, is and 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 into ſuch Storehouſes, Warehouſes, and other Place or Places, and break open the Doors thereof, in caſe they be not forthwith opened on Demand.

Doors may be broke open.

Proof of Melaſſes being of this Kingdom, to lie on the Claimer.

VII. And be it further enacted by the Authority aforeſaid, That if any Queſtion ſhall ariſe, whether any Melaſſes is really and *bona fide* Melaſſes of the Manufacture of this Kingdom, (although ſuch Melaſſes ſhould appear to have been entered or kept in the Officers Books, as being of ſuch Sort), the Proof of the Fact of ſuch Melaſſes being really and *bona fide* not Melaſſes of the Manufacture of this Kingdom, ſhall lie upon the Owner or Claimer of ſuch Melaſſes, or on the Diſtiller or Maker of Low Wines or Spirits ſued or proſecuted in reſpect thereof; ſuch Proof to be by the Oaths of Two or more credible Witneſſes, being ſkilful and experienced Perſons, competent to decide by Examination thereof, and having a certain Knowledge of the Fact.

Contracts for Delivery of Melaſſes, Sugar, or Potatoes, during the Continuance of this Act, void.

VIII. And whereas there may have been Contracts made by or with Diſtillers for *Britiſh*-made Spirits from Melaſſes, for Melaſſes or Sugar or Potatoes to be delivered and received at future Times after the Eighteenth Day of *December* One thouſand ſeven hundred and ninety-five; be it therefore further enacted by the Authority aforeſaid, That all ſuch Contracts or Bargains ſo made by or with any ſuch Diſtiller or Diſtillers, for any ſuch Spirits, Melaſſes, or Sugar or Potatoes, to be delivered at any Time during the Continuance of this Act, ſhall be, and the ſame are hereby declared to be null and void.

Commiſſioners of Exciſe in *Scotland* to make an Allowance of the Duties on Stills, for the Time they are prevented working under this Act.

IX. And whereas by divers Laws now in force, certain annual Duties are impoſed upon Stills uſed for diſtilling Spirits from Melaſſes or Sugar, in Proportion to the Contents of ſuch Stills: And whereas 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.

Recovery and Application of Penalties.

X. 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.

Act may be altered or repealed this Seſſion.

XI. Provided always, and be it further enacted, That any Part of this Act may be altered, varied, or repealed by any Act or Acts to be made in this preſent Seſſion of Parliament.

FINIS.