

ANNO TRICESIMO NONO

GEORGII III. REGIS.

Seſſ. 2.

CAP. VII.

An Act to prohibit, until the Firſt Day of *March* One thouſand eight hundred, the making of Low Wines or Spirits from Wheat, Barley, Malt, or other Sort of Grain, or from any Meal, Flour, or any Bran, in that Part of *Great Britain* called *Scotland*.

[12th *October* 1799.]

Preamble.

WHEREAS it is expedient that the Diſtillation of Low Wines or Spirits, and the making or preparing of Wort from Wheat, Barley, Malt, and all other Sorts of Grain, and from Meal, Flour, or Bran, ſhould be prohibited in that Part of *Great Britain* called *Scotland*, 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 Twentieth Day of *October* One thouſand ſeven hundred and ninety-nine, until and upon the Firſt Day of *March* One thouſand eight hundred, 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.

No Spirits to be diſtilled from Corn or Grain, &c. in *Scotland* for a certain Period.

Penalty of 500*l.* with the Corn, *etc.* for ſo diſtilling or attempting ſo to do.

II. And be it further enacted, 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, Malt, or other Corn or Grain, or any Meal, Flour, or Bran, or 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 on or before *Oct.* 15, 1799.

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 Fifteenth Day of *October* One thouſand ſeven hundred and ninety-nine, in that Part of *Great Britain* called *Scotland*; any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Wheat, *etc.* found in any Stillhouſe, *etc.* after *Oct.* 20, 1799, forfeited, and alſo 200*l.*

IV. And be it further enacted, 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 Twentieth Day of *October* One thouſand ſeven hundred and ninety-nine, 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.

V. And

V. And be it further enacted, That during the Time herein-before limited, it ſhall be lawful for any Perſon or Perſons, who ſhall be authorized for that Purpoſe by One or more Juſtice or Juſtices of the Peace, at any 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 Twentieth Day of *October* One thouſand ſeven hundred and ninety-nine, 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 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 ſuch Juſtice or Juſtices as aforeſaid, to ſeize, take, and carry away all ſuch Wheat, Barley, Malt, or 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.

Perſons authorized by a Juſtice may, with an Officer of Exciſe, enter Stillhouſes, *etc.* to inſpect Materials and Utenſils, and if the Officer ſuſpect Corn, *&c.* 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, *&c.* found may be ſeized with the Veſſels.

VI. And be it further enacted, That if any Diſtiller or Maker of Low Wines or Spirits for Sale or Exportation ſhall, after the Twentieth Day of *October* One thouſand ſeven hundred and ninety-nine, 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 Spirits, ſhall, for every ſuch Offence reſpectively, forfeit all ſuch Wheat,

After *Oct.* 20, 1799, Diſtillers having more than Five Quarters of Wheat, *etc.* (except in Stillhouſes) to forfeit the ſame, and 10 *l.* *per* Quarter:

Wheat Meal, and Flour, exceeding the ſaid Quantity of Five Quarters, and alſo the Sum of Ten Pounds for every Quarter ſo forfeited.

Penalty not to extend to Diſtillers being Growers of Wheat;

VII. 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.

nor to Millers, in certain Caſes.

VIII. 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 Twentieth Day of *October* One thouſand ſeven hundred and ninety-nine, for and 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.

On Oath of Ground of Suſpicion that more than Five Quarters of Wheat, *etc.* are kept in any Storehouſe, *etc.* 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.

IX. And be it further enacted, 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 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 Juſtice or Juſtices of the Peace 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

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 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.

X. And be it further enacted, 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 the Court of Exchequer in *Scotland*, 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.

XI. And whereas there may have been Contracts made by Diſtillers, with ſeveral Perſons, for Spirits, Grains, or Yeaſt, to be delivered and received at future Times after the Twentieth Day of *October* One thouſand ſeven hundred and ninety-nine; be it therefore enacted, That all Contracts or Bargains made by any Diſtiller or Diſtillers, with any Perſon or Perſons whatſoever, for any Spirits, Grains, or Yeaſt, to be delivered at any Time during the Continuance of this Act, ſhall be and are hereby declared to be null and void, to all Intents and Purpoſes whatſoever.

Contracts for Delivery of Spirits, &c. after *Oct.* 20, 1799, void.

XII. And be it further enacted, 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 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 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.

Act may be pleaded, and Defender may recover Expences.

XIII. 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 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, 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 Exciſe to make an Allowance of the Duties on Stills, for the Time they are forbid to work.

Commiſſioners of His Majeſty's Treaſury, or any Three of them, to be reaſonable.

His Majeſty may authorize the making of Spirits from Grain, &c. at any Time after *Oct.* 20, 1799.

XIV. Provided always, and be it enacted, That in caſe His Majeſty, at any Time or Times after the ſaid Twentieth Day of *October* One thouſand ſeven hundred and ninety-nine, 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 Twentieth Day of *October* One thouſand ſeven hundred and ninety-nine, 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.

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