

ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

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CAP. III.

An Act to prohibit, until the First Day of *January* One thousand eight hundred and two, the Use of Corn in distilling of Spirits or making of Starch.

[8th *December* 1800.]

Preamble. WHEREAS it is expedient to prohibit, for a limited Time, the Use or Expenditure of Wheat, Barley, Malt, and every other Sort of Corn or Grain, and of Meal, Flour, and Bran, in the making or preparing of Wort or Wash for the Distillation of Low Wines or Spirits, and to prohibit, for a limited Time, the making of Starch from Wheat, or Wheat Meal or Flour; 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 passing of this Act, and until the First Day of *January* One thousand eight hundred and two, no Low Wines or Spirits shall be brewed, made, prepared, extracted, or distilled from any Wheat, Barley, Malt, or

Until *January* 1, 1802, no Spirits to be distilled from Corn or Grain, &c. and no

Starch to be made from Wheat or Wheat Flour.

Tilts, or any other Sort of Corn or Grain, or from any Meal, Flour, or Bran, or any Mixture with the ſame; and no Starch ſhall be made or prepared from any Wheat, or any Wheat Meal or Flour.

Perſons ſo diſtilling, and Perſons in whoſe Cuſtody Veſſels uſed contrary to the Intentions of this Act, ſhall be found, to forfeit 500 *l.* each, and the Wheat, *&c.* ſhall be forfeited.

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, either for Home Conſumption or for Exportation, 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, 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 of 500 *l.* for making Starch from Wheat, or Wheat Flour, which, with the Veſſels, ſhall be forfeited.

III. And be it further enacted, That if any Perſon or Perſons ſhall apply, ſpend, conſume, or make uſe of, or cauſe, procure, permit, or ſuffer to be applied, ſpent, conſumed, or made uſe of, any Wheat, or any Meal or Flour ground or made therefrom, for the Purpoſe of making or preparing Starch, contrary to the true Intent and Meaning of this Act, the Perſon or Perſons ſo offending, and the Perſon or Perſons in whoſe Cuſtody or Poſſeſſion the ſame ſhall be found, ſhall (over and above all other Penalties impoſed by any Act or Acts of Parliament already in force) forfeit the Sum of Five hundred Pounds; and all ſuch Wheat, Wheat Meal, Flour, and Starch, together with every Vat, Trough, or other Utenſil or Veſſel, in which the ſame ſhall be found, ſhall be forfeited, and the ſame reſpectively ſhall and may be ſeized by any Officer or Officers of Exciſe.

Wheat, *&c.* found in any Stillhouſe, *etc.* to be forfeited, and alſo 200 *l.*

IV. And be it further enacted, That if any Wheat, Barley, Malt, or other Sort of Corn or Grain, or any Meal, Flour, or Bran, ſhall, at any Time after the Expiration of Three Days after the paſſing of this Act, and during the Continuance thereof, 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 Starch shall be making or preparing, or made or prepared; or where any Low Wines or Spirits, or Wort or Wash shall have been brewed, made, extracted, distilled, or prepared; or where any Starch shall have been made or prepared; all such Wheat, Barley, Malt, and other Corn or Grain, and Meal, Flour, and Bran, 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.

Persons authorized by the Commissioners within the Limits of their chief Office, and by a Justice in any other Part, may, with an Officer of Excise, enter into Workhouses, *etc.* to inspect Materials and Utensils; and if the Officer suspect that Corn, *etc.* is mixed with any Material for Distillation, or making of Starch, he may take a Sample.

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 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 whatsoever, wherein any Low Wines or Spirits, or Wort or Wash, or Starch, 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, or Starch shall have been made or prepared, after the passing of this Act, 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, or making or preparing of Starch, it shall be lawful for such Officer or Officers, 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 Maker of Starch, 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 Officers, or Person or Persons, in making such Inspection as aforesaid, or if any such Distiller or Distillers, or Maker or Makers of Starch, 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 of Low Wines or Spirits, or Maker of Starch, 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

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

Corn, *etc.* found, may be seized, with the Vessels.

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.

Contracts for Delivery of Spirits, or Starch, during the Continuance of this Act, ſhall be void.

VI. And whereas there may have been Contracts made by Diſtillers and Makers of Low Wines and Spirits, or Makers of Starch, with ſeveral Perſons, for Spirits, Grains, Yeaſt, or Starch, to be delivered and received at future Times, after the paſſing of this Act; be it therefore enacted, That all Contracts or Bargains made by any Diſtiller or Diſtillers, or Maker or Makers of Low Wines or Spirits, or Maker or Makers of Starch, with any Perſon or Perſons whatſoever, for any Spirits, Grains, or Yeaſt, or Starch, to be delivered at any Time during the Continuance of this Act, ſhall be and are hereby declared to be wholly void.

His Majeſty may authorize at any Time, the Uſe of Wheat, *etc.* in Diſtillation, or making of Starch.

VII. Provided always, and be it enacted, That in caſe His Majeſty, at any Time or Times after the paſſing of this Act, ſhall in His Royal Diſcretion judge it to be moſt for the Benefit and Advantage of this Kingdom, to permit the Uſe or Expenditure of Wheat, Barley, Malt, or any other Sort of Corn or Grain, or any Meal or Flour ground therefrom, in the making or preparing of Wort or Waſh for the making or extracting of Spirits, or for the making of Starch, 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 paſſing of this Act, to apply, ſpend, conſume, or make uſe of Wheat, Barley, Malt, or any other Sort of Corn or Grain, or any Meal or Flour ground or made therefrom, in the brewing, making, or preparing of Wort or Waſh for the making or extracting of Spirits, or the making of Starch; any Thing herein contained to the contrary notwithſtanding.

Spirits from Corn warehouſed for Exportation, may be taken out for Home Conſumption, on Payment of Duty.

VIII. And be it further enacted, That if any Diſtiller or Diſtillers, who ſhall have depoſited any Spirits drawn or made in *Great Britain* from Corn, before the paſſing of this Act, 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, amongſt 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 Eighty-ſeven Pounds and Ten Shillings for each Ton of ſuch Spirits, calculating and computing the ſame at the Strength of One to Ten over Hydrometer Proof, any Act of Parliament to the contrary thereof notwithſtanding; and the Money ariſing from the ſaid Duty ſhall be paid into the Receipt of

of His Majeſty's Exchequer, and carried to and made Part of the Conſolidated Fund.

Penalty of 200 *l.* for obſtructing Officers of Exciſe.

IX. And be it further enacted, That if any Perſon or Perſons ſhall obſtruct or hinder any Officer or Officers of Exciſe in the Execution of any of the Powers or Authorities to him or them given or granted by this or any other Act or Acts of Parliament relating to Spirits, the Perſon or Perſons ſo offending ſhall forfeit for every ſuch Offence, ſeverally, the Sum of Two hundred Pounds.

Powers of 12 *Car.* II, Cap. 24, *etc.* to extend to this Act.

X. And be it further enacted, That all and every the Powers, Directions, Rules, Penalties, Forfeitures, Clauſes, Matters, and Things, which, in and by an Act made in the Twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for taking away the Court of Wards and Liveries, and Tenures* in Capite, *and by Knights Service and Purveyance, and for ſettling a Revenue upon His Majeſty in lieu thereof*, or by any other Law now in force, relating to His Majeſty's Revenue of Exciſe, are provided and eſtabliſhed for managing, raiſing, levying, collecting, mitigating or recovering, adjudging or aſcertaining, the Duties thereby granted, or any of them, (other than in ſuch Caſes for which other Proviſions are made and preſcribed by this Act), ſhall be practiſed, uſed, and put in Execution, in and for the managing, raiſing, levying, collecting, mitigating, recovering, and paying the Exciſe Duty by this Act impoſed, and for preventing, detecting, and puniſhing Frauds relating thereto, as fully and effectually, to all Intents and Purpoſes, as if all and every the ſaid Powers, Rules, Directions, Penalties, Forfeitures, Clauſes, Matters, and Things, were particularly repeated and re-enacted in this preſent Act.

Recovery and Application of Penalties.

XI. 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 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*; 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.

Limitation of Actions.

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 Two Calendar Months next after the Offence ſhall be committed; and 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,

General Iſſue.

Treble Costs. 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.

Continuance of Act. XIII. And be it further enacted, That this Act shall commence and take Effect as to all such Matters and Things therein contained, in respect whereof no special Commencement is hereby directed or provided, from the passing thereof until the First Day of *January* One thousand eight hundred and two, and may be altered, varied, or repealed, by any Act or Acts to be made in this Session of Parliament.

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