ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

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C A P. VI.

An Act for shortening, until the Twenty-fifth Day of *March* One thousand eight hundred and one, the Time of keeping in Steep for malting, Barley damaged by Rain in the late Harvest.

[8th *December* 1800.]

Preamble.

WHEREAS by the Laws now in force it is provided, that every Maltster or Maker of Malt, during the Continuance of the Duties on Malt, should wet or steep his Barley, or other Corn or Grain intended to be made into Malt, in the Cistern, Uting-fat, or other Vessel, so as that the same should be covered with Water, and continue so covered in such Cistern, Uting-fat, or other Vessel, for the full Space of Forty Hours from the Time of its being first wet and covered with Water as aforesaid, before he should obtain or take, or draw the Water from the same; and certain other Provisions have been made by Law for enforcing the same: And whereas a considerable Quantity of Barley was damaged during the late Harvest, which cannot be made into good Malt if the same be continued covered with Water for the full Space of Forty Hours; and it is therefore expedient to allow such Barley to continue covered with Water for a less Space of Time, under and subject to certain Rules, Regulations, and Restrictions; 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

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No Maltſter to be deprived of the Allowance of Four Buſhels in Twenty, for damaged Barley, not for neglecting to continue it covered with Water for Forty Hours.

Parliament aſſembled, and by the Authority of the ſame, That, for and during the Continuance of this Act, no Maltſter, or Maker of Malt for Home Conſumption, wetting ſuch damaged Barley, to be made into Malt, according to the Terms and Proviſions herein-after mentioned, ſhall be deprived of the Allowance of Four Buſhels in every Twenty, in charging the ſaid Duties by Gauge, either in the Ciſtern or Couch, for or in reſpect of any ſuch Barley, nor ſhall be ſubject or liable to any Penalty for neglecting or refuſing to continue any ſuch Barley covered with Water for the full Space of Forty Hours from the Time of its being firſt wet and covered.

No ſuch Barley to be kept ſo covered leſs than Twenty Hours; and Notice to be given to the Exciſe Officer of the Quantity, and for what Time intended to be covered.

II. Provided always, That no ſuch Barley ſhall be kept covered with Water for any leſs Space of Time than Twenty Hours, except as herein-after provided; and that the Maltſter or Maker of Malt for Home Conſumption, intending to make any ſuch Barley into Malt, ſhall, in the Notice in Writing required by any Act now in force to be given to the Officer of Exciſe, ſpecify that the Barley mentioned in ſuch Notice is Barley which was damaged in the late Harveſt; and the Quantity or Number of Buſhels of ſuch Barley intended to be wetted at each Steeping, and for what Number of Hours the ſame is intended to be kept covered with Water.

If Maltſters do not begin to wet ſuch Barley agreeably to Notice, a freſh one ſhall be given, and none ſhall be begun to be wetted but between Seven in the Morning and Three in the Afternoon, nor ſhall be wetted more than Once in Three Days.

Penalty of 100 *l.* for not giving freſh Notice, or not beginning to cover, or not continuing Barley covered agreeably to Notice, or beginning to wet it out of the limited Hours, or adding to it after the Account has been taken, or ſteeping it more than Once in Three Days.

III. And be it further enacted, That in caſe any Maltſter or Maker of Malt, having given any Notice in Writing of his Intention to wet any ſuch damaged Barley as aforeſaid to be made into Malt, ſhall not begin to wet the Barley ſpecified in ſuch Notice, and immediately proceed to cover the Whole thereof with Water at the Hour or Time mentioned in ſuch Notice, or within One Hour next after the Expiration of the ſaid Hour and Time, then every ſuch Notice ſhall be, and the ſame is hereby declared to be null and void; and every ſuch Maltſter or Maker of Malt ſhall be obliged to give a freſh and like Notice before he or ſhe ſhall begin to wet any ſuch his or her damaged Barley; and no ſuch Maltſter or Maker of Malt ſhall begin to wet any ſuch damaged Barley to be made into Malt, but between the Hours of Seven in the Morning and Three in the Afternoon; and no ſuch Maltſter or Maker of Malt ſhall wet or ſteep any ſuch damaged Barley more than once in Three Days; and in caſe any ſuch Maltſter or Maker of Malt, having given any ſuch Notice which ſhall become void, ſhall neglect or refuſe to give a freſh and like Notice, or having given ſuch Notice or Notices, and begun to wet any ſuch damaged Barley in purſuance thereof, ſhall neglect or refuſe immediately to proceed to cover the Whole thereof with Water, and to continue the ſame ſo covered, for the full Space of Time mentioned in the Notice for wetting ſuch Barley, or ſhall begin to wet any ſuch damaged Barley at any other Time than between the Hours of Seven in the Morning and Three in the Afternoon; or if any ſuch Maltſter or Maker of Malt, after the Officer ſhall have taken an Account of the damaged Barley in the Ciſtern, Uting-fat, or other wetting Place, ſhall add any Corn or Grain to the damaged Barley ſo wetted, or ſteeping, or ſhall wet or ſteep any ſuch damaged Barley more than once in Three Days, then, and in every ſuch Caſe, the Maltſter or Maker of Malt ſo offending ſhall, for each and every ſuch Offence, forfeit the Sum of One hundred Pounds.

IV. And

IV. And whereas it may poſſibly happen that ſome of ſuch damaged Barley may be in ſuch a State as to float on the Surface of the Water, in the Ciſtern, Uting-fat, or other Veſſel wherein ſuch Barley ſhall be wetted for the Purpoſe of making the ſame into Malt, notwithſtanding which, the ſame may, by couching and working, be made into Malt and it is therefore expedient to make ſuch Proviſion as is herein-after directed in reſpect thereof: Be it therefore enacted, That when and ſo often as any ſuch damaged Barley ſhall float on the Surface of the Water in the Ciſtern, Uting-fat, or other Veſſel wherein ſuch Barley ſhall be wetted for the Purpoſe of making the ſame into Malt, the Maltſter or Maker of Malt to whom the ſame ſhall belong, ſhall immediately, on ſkimming or taking ſuch floating Barley from and out of ſuch Ciſtern, Uting-fat, or other Veſſel, depoſit, put, lay, and ſpread the ſame in ſome convenient Part of his Malthouſe, as near as may be to ſuch Ciſtern, Uting-fat, or other Veſſel, and in ſuch a Manner and Form that the Officer of Exciſe may be enabled conveniently to take a Gauge and aſcertain the true Quantity thereof; and no ſuch Maltſter or Maker of Malt ſhall carry or remove the ſame from the Place where the ſame ſhall have been ſo depoſited, put, laid, or ſpread, until the Expiration of Three Hours next after the proper Officer of Exciſe ſhall have taken a Gauge and aſcertained the Quantity thereof; and if any Maltſter or Maker of Malt ſhall neglect or refuſe to depoſit, put, lay, and ſpread ſuch floating Barley as aforeſaid, or ſhall carry or remove any ſuch Barley from the Place where the ſame ſhall have been depoſited, put, laid, or ſpread, after the Removal thereof from or out of ſuch Ciſtern, Uting-fat, or other Veſſel, either before the Officer of Exciſe ſhall have taken a Gauge and aſcertained the Quantity thereof, or after ſuch Gauge, and before the Expiration of Three Hours from the Time of ſuch Gauge having been taken, then and in every ſuch Caſe the Maltſter or Maker of Malt ſo offending ſhall, for each and every ſuch Offence forfeit the Sum of One hundred Pounds.

Barley floating on the Surface, when taken out of the Veſſel, ſhall be ſpread ſo as that the Exciſe Officers may conveniently gauge it, and ſhall not be removed for Three Hours, on Penalty of 100*l.*

V. And be it further enacted, That it ſhall and may be lawful to and for any Officer of Exciſe, and ſuch Officer is hereby authorized and empowered to take at any Time or Times a Sample or Samples, not exceeding Half a Pint, out of any one Parcel or Quantity of any ſuch damaged Barley, in the Cuſtody or Poſſeſſion of any Maltſter or Maker of Malt, and wetted or intended to be wetted as aforeſaid; and in caſe any ſuch Maltſter or Maker of Malt ſhall refuſe to permit ſuch Officer or Officers to take ſuch Sample or Samples, ſuch Maltſter or Maker of Malt ſo offending ſhall, for each and every ſuch Offence, forfeit the Sum of Fifty Pounds.

Officers may take Samples.

Penalty of 50*l.* for Refuſal.

VI. Provided always nevertheleſs, That nothing in this Act contained ſhall extend, or be deemed or conſtrued to extend to authorize any Officer or Officers of Exciſe to take more than Two Samples from or out of any one Steeping of Barley; any Thing therein-before contained to the contrary in anywiſe notwithſtanding.

Not more than Two Samples to be taken.

VII. And be it further enacted, That every Maltſter and Maker of Malt, having given any Notice in Writing of his, her, or their Intention to wet any damaged Barley to be made into Malt, ſhall from Time to Time keep an Account of all the damaged Barley which he, ſhe, or they ſhall from Time to Time ſo wet or ſteep, and ſhall from Time to Time enter

An Account of damaged Barley to be made into Malt, to be kept and verified on

Oath, *etc.* on Penalty of 100*l.*

enter into a Book, or on a Paper, to be kept for that Purpoſe, an Account of the ſeveral Quantities or Numbers of Buſhels of ſuch Barley wetted or ſteeped by him, her, or them, to be made into Malt under or by virtue of this Act, the Time when each ſuch Quantity was wetted, and the Time or Number of Hours the ſame was kept in ſteep, and ſhall, at the End of every Six Weeks, or oftener if required, by the proper Collector or Surveyor of Exciſe, deliver ſuch Book or Paper to the proper Collector or Surveyor of Exciſe, and at the ſame Time verify on Oath the Truth of the Entries made therein; and alſo, that the Whole of the ſeveral Quantities of Barley ſpecified in ſuch Account was damaged during the late Harveſt (which Oath ſuch reſpective Collectors and Surveyors are hereby authorized to adminiſter); and if any ſuch Maltſter or Maker of Malt ſhall neglect or refuſe to keep any ſuch Account as aforeſaid, or to make any ſuch Entry or Entries as aforeſaid, or to deliver ſuch Book or Paper to the proper Collector or Surveyor of Exciſe in Manner herein-before directed, or to verify on Oath, the ſeveral Matters and Things herein-before required, and in Manner herein-before directed, or ſhall make any falſe Entry in any ſuch Book or Paper, then, and in every ſuch Caſe, the Maltſter or Maker of Malt ſo offending ſhall, for each and every ſuch Offence, forfeit the Sum of One hundred Pounds;

Maltſters taking falſe Oaths guilty of Perjury.

and if any ſuch Maltſter or Maker of Malt ſhall be convicted of wilfully taking a falſe Oath, in any caſe in which an Oath is required by virtue of this Act, he, ſhe, or they ſhall be liable to the Pains and Penalties to which Perſons are liable for wilful and corrupt Perjury.

Penalty of 100*l.* for obſtructing Officers.

VIII. 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 by this Act, the Perſon or Perſons ſo offending ſhall, for each and every ſuch Offence, forfeit the Sum of One hundred Pounds.

Recovery and Application of Penalties.

IX. And be it further enacted, That all Fines, Penalties, and Forfeitures, by this Act impoſed, ſhall be ſued for, recovered, levied, or mitigated by ſuch Ways, Means, and Methods, as any Fine, Penalty, or Forfeiture is or 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*, 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, her, or them who ſhall diſcover, inform, or ſue for the ſame.

Continuance of Act.

X. And be it further enacted, That this Act ſhall continue in force until the Twenty-fifth Day of *March* One thouſand eight hundred and one.

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