ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

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C A P. LVII.

An Act for improving the Quality of Beer in *Ireland*, by further preventing the Uſe of unmalted Corn, or of any deleterious or unwholeſome Ingredients therein, and for the better ſecuring the Collection of the Malt Duties in *Ireland*. [3d *June* 1809.]

45 G. 3. c. 53.

WHEREAS by an Act made in the Forty-fifth Year of His preſent Majeſty's Reign, intituled, *An Act for the Collection of the Malt Duties in* Ireland, *and regulating the Trade of a Maltſter*, it is amongſt other Things enacted, that in every caſe where the Stock of Malt in the Poſſeſſion of any Maltſter, or of any Factor or Dealer in Malt, or of any Brewer or Diſtiller, ſhall be leſs than the Quantity of Malt which by the Stock Account kept by any Officer of Exciſe ought to be in the Poſſeſſion of ſuch Maltſter, Factor, Dealer, Brewer or Diſtiller, every ſuch Perſon ſhall for every ſuch Time ſuch Decreaſe ſhall appear, forfeit the Sum of Fifteen Shillings for every Barrel of Malt which ſhall ſo appear to be deficient; 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, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every ſuch Perſon ſhall, for every Time ſuch Decreaſe ſhall appear, forfeit the Sum of Thirty Shillings for every Barrel of Malt which ſhall ſo appear to be deficient, inſtead of the ſaid Sum of Fifteen Shillings in the ſaid Act mentioned: Provided always, that whereas by reaſon of the Quantity of Malt being taken account of by the Officer according to the Gauge, and being ſold or uſed or conſumed by ſuch Maltſter, Factor, Dealer,

Penalty increaſed on undue Increaſe of Malt, &c.

Dealer, Brewer or Diſtiller, in Buſhels or Barrels, according to the Weight thereof, Deficiencies may ariſe between ſuch Stock Account and the actual Quantity of Malt in Store, no Maltſter, Factor, Dealer, Brewer or Diſtiller, ſhall be liable to ſuch Penalty of Thirty Shillings *per* Barrel in any caſe where ſuch Decreaſe ſhall not exceed the Proportion of One Barrel of Malt for every Twenty Barrels of the whole Quantity in which ſuch Decreaſe ſhall appear, unleſs in caſes where Fraud or Intention of Fraud ſhall appear; any Thing in the ſaid recited Act or this Act to the contrary notwithſtanding.

Part of Act 48 G. 3. c. 79. repealed.

II. And be it further enacted, That ſo much of an Act made in the Forty-eighth Year of His preſent Majeſty's Reign, intituled, *An Act to amend the Two Acts for the collecting of the Malt Duties in* Ireland, *and regulating the Trade of a Maltſter*, as enacts that no Place which ſhall have a Communication by internal Doors with, or ſhall be adjoining to that Part of any Diſtillery or Brewery where any Keeve or other Veſſel for maſhing ſhall be kept, ſhall be regiſtered as a Store for keeping of Malt, ſhall be and the ſame is hereby repealed; and that from and after the Day of paſſing of this Act, no Maſh Keeve, nor any Part or Place of any Diſtillery or Brewery where any Maſh Keeve ſhall be kept, ſhall be entered or regiſtered as a Store for keeping of Malt by any Brewer or Diſtiller in *Ireland*.

No Maſh Keeve ſhall be regiſtered as a Malt Store.

Worts not hopped in 24 Hours to be forfeited, and Brewer to forfeit 100l.

III. And be it further enacted, That from and after the Expiration of Ten Days after the Day of paſſing of this Act, if any Worts which ſhall have been drawn off from the Maſh Keeve more than Twenty-four Hours, ſhall be found in the Poſſeſſion of any Brewer, or in the licenſed Brewery of ſuch Brewer, or in the Stores thereto belonging, not mixed with or in which there ſhall not be infuſed Hops in Quantity ſufficient to make the ſame into Beer, Ale, or Porter, all ſuch Worts ſhall be forfeited and may be ſeized, and ſuch Brewer ſhall forfeit the Sum of One hundred Pounds.

Penalty on Brewers ſelling Waſh 500l. &c.

IV. And be it further enacted, That from and after the Expiration of Ten Days after the Day of paſſing of this Act, no Brewer or Brewers, or Perſon or Perſons licenſed to brew Strong Beer, Porter, Ale, or Small Beer for Sale, ſhall give, ſell, or in any manner diſpoſe of any Worts, or Pot Ale, to any Perſon or Perſons whatſoever; and in caſe any ſuch Brewer or Brewers, or Perſon or Perſons ſo licenſed, ſhall at any Time give, ſell, or in any manner diſpoſe of any Worts, or Pot Ale, to any Perſon or Perſons whatſoever, ſuch Brewer or Brewers, or Perſon or Perſons ſo giving, ſelling, or in any manner diſpoſing of the ſame, ſhall forfeit the Sum of Five hundred Pounds; and any Licence granted to ſuch Brewer or Perſon ſhall thereupon be and become *ipſo facto* void, and ſuch Brewer ſhall be conſidered as unlicenſed, and liable to all ſuch Penalties and Forfeitures as Perſons brewing Strong Beer, Porter, Ale, or Small Beer for Sale, without having a Licence for that Purpoſe in force, ſhall be liable to by any Act or Acts in force in *Ireland* for that Purpoſe.

Malt not to be removed from Maltſters Stores into Mill or

V. And be it further enacted, That from and after the Expiration of Ten Days after the Day of paſſing of this Act, no Malt ſhall at any Time be removed from or out of the Stores, or other Room or Place of any Brewer or Perſon licenſed to brew Strong Beer, Porter, Ale, or Small Beer

Beer for Sale, or ſhall be brought or conveyed into the Mill, Brewery, or Maſh Keeve, of ſuch Brewer or Perſon without a Permit for the ſame; and that the Brewer or Perſon applying for ſuch Permit, ſhall in his or their Requeſt Note for obtaining the ſame, ſtate the Day and Hour of the Day on which ſuch Brewer or Perſon intends to begin to maſh or brew the Malt ſo to be removed; and in caſe any Quantity of Malt, ground or unground, whether in any Proceſs of brewing or not, ſhall be found in the Mill, Brewery, or Maſh Keeve of ſuch Brewer or Perſon ſo licenſed, and a Permit for removing the ſame into ſuch Mill, Brewery, or Maſh Keeve, ſhall not on Demand of any Officer of Exciſe be produced, or Proof made to ſuch Officer that ſuch Permit had been granted for ſuch Malt, and that ſuch Permit was afterwards loſt or miſlaid, or if any ſuch Malt ſhall be found in Proceſs of brewing or maſhing, or wetting before the Time ſpecified in the Requeſt Note for ſuch Permit, in either of ſuch Caſes all ſuch Malt ſhall be forfeited and may be ſeized, and ſuch Brewer or Perſon ſhall forfeit the Sum of Forty Pounds, and every ſuch Permit ſhall from Time to Time be delivered by ſuch Brewer or Perſon, or his Servant, to the Surveyor or other Officer of Exciſe in Charge of the Malt Stores of ſuch Brewer or Perſon, within Twelve Hours after the Expiration of the Time for which ſuch Permit ſhall be in force, or at any Time within ſuch Twelve Hours, on Demand thereof made by ſuch Officer; and if ſuch Permit ſhall not be delivered to ſuch Officer accordingly, ſuch Brewer or Perſon ſhall forfeit for every Neglect Twenty Pounds.

Brewery without Permit.

Penalty.

VI. And be it further enacted, That whenever it ſhall happen that the Licence of any Perſon licenſed to brew Strong Beer, Porter, Ale, or Small Beer for ſale, ſhall become forfeited or void by reaſon of any Offence againſt this Act, or any Act or Acts of Parliament relating to ſuch Brewers, or to the brewing or making of Strong Beer, Porter, Ale, or Small Beer for ſale, no future Licence ſhall be granted to ſuch Perſon, nor to any other Perſon to brew in the ſame Brewery, unleſs ſuch Perſon ſo to be licenſed ſhall have firſt entered into a Bond to His Majeſty, His Heirs and Succeſſors, in the Penalty of One thouſand Pounds, (that is to ſay), the Perſon licenſed in Five hundred Pounds, and Two Sureties in Two hundred and fifty Pounds each, ſuch Sureties to be approved of by the Commiſſioners of Inland Exciſe and Taxes in *Ireland*, or by ſome Perſon to be by them authorized in that Behalf, and ſuch Bond to be conditioned that ſuch Perſon ſo licenſed ſhall in all Things well and truly conform to and obey the Laws in force in *Ireland* relating to Perſons licenſed to brew Strong Beer, Ale, or Porter for ſale, and ſhall not in any Particular tranſgreſs any Act or Acts of Parliament with reſpect to Perſons ſo licenſed, or with reſpect to the brewing or making of Strong Beer, Porter, Ale, or Small Beer for ſale, or any Clauſe, Matter, or Thing whatever in any ſuch Act or Acts of Parliament, which are or ſhall be in force at the Time of the granting or during the continuance of any ſuch Licenſe; and in caſe it ſhall happen, that any Perſons ſo licenſed ſhall a ſecond Time offend, and ſuch Licence ſhall be a ſecond Time forfeited, ſuch Perſon ſhall be incapable of receiving a Licence for the Space of Three Years from the Twenty-ninth Day of *September* next enſuing the Time of the Forfeiture of ſuch Licence, and no Licence ſhall after ſuch ſecond Offence be granted to any Perſon whatever to brew in the Brewery of the Party ſo offending, until the Expiration of Three Years from the Twenty-ninth Day of *September* next enſuing ſuch ſecond Forfeiture of ſuch Licence, nor unleſs the Perſon licenſed to brew

If Brewers' Licence ſhall become forfeited, no freſh Licence ſhall be granted without increaſed Security.

in such Brewery shall enter into a Bond in the Penalty of Two thousand Pounds, (that is to say), the Person licensed in One thousand Pounds, and Two Sureties in Five hundred Pounds each, to be approved of, and such Bond to be conditioned as immediately herein-before directed.

Granting Permits for Removal of Malt sold by brewers.

VII. And be it further enacted, That in case the Commissioners of Inland Excise and Taxes in *Ireland*, on Application made to them for that Purpose by any Brewer, and on Affidavit made by such Brewer of the Circumstances under which he shall be desirous to sell any Malt which he is not authorized by Law to sell, shall think it fitting and expedient that such Brewer should be allowed to sell such Malt, it shall and may be lawful for the said Commissioners or any Three or more of them, by an Order under their Hands, to direct that a Permit shall be granted for the Removal of such Malt, and such Permit shall be granted, and such Malt shall and may be removed accordingly, any Thing in any Act or Acts to the contrary notwithstanding; and such Brewer shall not be liable to any Penalty, nor shall such Malt be liable to Seizure or Forfeiture on account of such Sale.

For registering Brewers Coppers, Mash Tuns and Keeves.

VIII. And, to prevent Brewers from using Brewing Coppers or Coppers in their Cooperages as Stills, be it enacted, That from and after the Expiration of Ten Days after the Day of passing this Act, no Licence shall be given or granted to any Person to brew Strong Beer, Porter, Ale, or Small Beer for sale, unless the Party applying for such Licence shall have previously entered and registered in the Excise Office of the District, every Brewing Copper and every other Copper of any sort whatever which such Person shall have in his Brewery or Premises, whether for brewing or for scalding or steaming Casks or otherwise, and also every Mash Tun and Keeve in any such Brewery or Premises, describing in the said Entry or Register the Contents of all and every such Copper or Coppers, and also describing for what Purpose they are or shall be used, and whether the same or any of them are Steam-tight or not, and in like Manner describing the Contents and Dimensions of every such Mash Tun or Keeve; and in case any Person so licensed shall at any Time during the continuance of such Licence, make any Alteration in any Copper, Mash Tun, or Keeve so registered, or shall erect or set up any new Copper, Mash Tun, or Keeve, such Person shall make a like Entry and Registry of such Alteration, or of such Copper, Mash Tun, or Keeve so newly erected, in the said Excise Office; and in case any Person so licensed shall use or have in his or her Brewery or Premises, any Copper or Coppers, or Mash Tun or Keeve not so entered and registered, or other than such as shall be entered and registered as aforesaid, every such Person shall for every such Offence forfeit the Sum of One hundred Pounds, and if any Copper in the Brewery or on the Premises of any Person so licensed shall be used for any Purpose of Distillation, every such Copper and all the Contents thereof, and all and every other Vessel and Utensil in the Brewery or Premises of such Person, shall be forfeited and may be seized, and the Licence of such Person shall be and become null and void; and if any Mash Tun or Keeve, or other Vessel not so entered or registered, shall be found in use for the Purpose of making Malt, or containing any ground Malt, every such Mash Tun, Keeve or other Vessel, and the Contents thereof, shall be forfeited and may be seized.

IX. And

IX. And be it further enacted, That from and after Ten Days after the paſſing of this Act, no Brewer or other Perſon or Perſons in *Ireland* making or profeſſing to make Beer, Ale, Porter, or Small Beer for ſale, ſhall uſe any raw or unmalted Corn in the brewing or making of any Beer, Ale, Porter, or Small Beer for ſale, or in the making or preparing of any Liquor to imitate or to reſemble, or to be mixed with, or to be uſed, ſold, or diſpoſed of or delivered as or for Beer, Ale, Porter, or Small Beer, nor ſhall any Brewer or other Perſon or Perſons in *Ireland* ſell, diſpoſe of, ſend, or deliver, or cauſe to be ſold, diſpoſed of, ſent, or delivered to any Perſon or Perſons whatever, as or for Beer, Porter, Ale, or Small Beer, any Liquor made or prepared from raw or unmalted Corn, or in the making whereof any raw or unmalted Corn ſhall have been uſed; and if any Brewer or other Perſon in *Ireland*, ſhall at any Time uſe any raw or unmalted Corn in the brewing or making of any Beer, Porter, Ale, or Small Beer for ſale, or in the brewing, making, or preparing any Liquor which ſhall be afterwards ſold, diſpoſed of, or delivered as or for Beer, Porter, Ale, or Small Beer, every ſuch Brewer or other Perſon ſhall for the firſt Offence forfeit the Sum of Two hundred Pounds; and for the ſecond and every ſubſequent Offence the Sum of Five hundred Pounds; one half of the ſaid Forfeitures to be paid to the Informer; and upon Conviction for the third Offence therein, the Licence of ſuch Perſon as a Brewer ſhall be null and void; and all Liquor ſo made or prepared from raw or unmalted Corn in the Brewery or Stores of any ſuch Brewer or other Perſon or Perſons in *Ireland*, brewing Beer, Porter, Ale, or Small Beer for ſale, or profeſſing ſo to do, together with every Copper, Cooler, Back, Tun, Vat, or other Veſſel or Utenſil whatſoever in which any ſuch Liquor ſhall be contained, or which ſhall have been made uſe of or employed for or in the Brewery, making or preparing ſuch Beer, Porter, Ale, or Small Beer for ſale as aforeſaid, ſhall be forfeited, and may be ſeized by any Officer or Officers of Exciſe in *Ireland*. Penalty on Brewers uſing unmalted Corn.

X. And be it further enacted, That from and after Ten Days after the paſſing of this Act, every Perſon or Perſons licenſed to brew Strong Beer, Porter, Ale, or Small Beer for Sale, who ſhall have any Malthouſe adjoining to or connected, or communicating with his Brewery, ſhall enter and regiſter at the Exciſe Office of the Diſtrict, every Store Room and Place belonging to ſuch Malthouſe, in which Barley, or Grain called *Bere* or *Big* ſhall be depoſited, and that no Store for Barley or Grain called *Bere* or *Big* ſhall in any caſe be adjoining to or connected with, or be open by Means of any Door or Doorway immediately to the Place in ſuch Brewery where any Malt ſhall be wetted or maſhed, or any Worts ſhall be boiled, cooled, or hopped; and all Barley or Grain called *Bere* or *Big*, which ſhall be found in any Part of ſuch Brewery or Malthouſe, other than in ſuch Room or Place ſo regiſtered, and ſo ſeparate and apart from ſuch Brewery, ſhall be forfeited and may be ſeized, and the Perſon or Perſons in whoſe Stores, Cuſtody or Poſſeſſion ſuch Barley or Grain called *Bere* or *Big* ſhall be found, ſhall forfeit for every ſuch Offence the Sum of One hundred Pounds. Regiſtering Barley Stores. Penalty on finding Barley in a Place not regiſtered.

XI. And be it further enacted, That from and after Ten Days after the paſſing of this Act, every Perſon or Perſons licenſed to brew as aforeſaid, ſhall in like Manner enter and regiſter in the Exciſe Office of the Diſtrict, every Store Room and Place in which Oats ſhall or may at any Time be depoſited, and that no ſuch Store Room or Place ſhall be adjoining to or con- Regiſtering Oat Stores.

nected with, or be open by means of any Door or Doorway immediately to the Place where any Malt ſhall be wetted or maſhed, or any Worts ſhall be boiled, cooled, or hopped; and any Oats which ſhall be found in the Poſſeſſion of any ſuch Perſon or Perſons, in any other Place than a Store or Place ſo regiſtered, ſhall be forfeited and may be ſeized; and ſuch Perſon or Perſons in whoſe Cuſtody, Store or Poſſeſſion, ſuch Oats ſhall be found, ſhall for every ſuch Offence forfeit the Sum of One hundred Pounds.

Penalty on finding Oats not in regiſtered Store.

Penalty on Brewers having Raw Corn ground or bruiſed in their Breweries.

XII. And be it further enacted, That from and after Ten Days after the paſſing of this Act, no Brewer or other Perſon in *Ireland* making or profeſſing to make Ale, Beer, Porter, or Small Beer, ſhall have in his or her Brewery, or in any Part of the Premiſes connected with his or her Brewery, any raw or unmalted Corn ground or bruiſed, and that all raw or unmalted Corn ground or bruiſed, which ſhall be found in ſuch Brewery or Premiſes, together with all Sacks, Veſſels or Packages in which ſuch raw Corn ground or bruiſed ſhall be contained, and all Carts, Drays, and other Carriages on which ſuch raw Corn or unmalted Corn belonging to ſuch Brewer or Perſon, ground or bruiſed, ſhall be found in the courſe of Conveyance, and all Horſes attached to every ſuch Cart, Dray or other Carriage, ſhall be forfeited, and may be reſpectively ſeized by any Officer or Officers of the Exciſe.

Penalty for uſing Drugs in brewing.

XIII. And be it further enacted, That from and after Ten Days after the paſſing of this Act, no Brewer or other Perſon in *Ireland* ſhall uſe any Sugar Water, Diſtillers Spent-waſh, Sugar, Melaſſes, Vitriol, Quaſſia, Coculus Indicus, Grains of Paradiſe, Guinea Pepper, Opium, or any Ingredient whatſoever, which ſhall poſſeſs any deleterious or unwholeſome Quality, in the making or brewing of any Beer, Porter, Ale or Small Beer; and if any Brewer or other Perſon ſhall uſe any ſuch Ingredients in the brewing or making of any Beer, Porter, Ale, or Small Beer, every ſuch Brewer or other Perſon ſhall forfeit for every ſuch Offence the Sum of One hundred Pounds, and all Liquor in the brewing of which any ſuch Sugar Water, Diſtillers Spent-waſh, Sugar, Melaſſes, Vitriol, Quaſſia, Coculus Indicus, Grains of Paradiſe, Guinea Pepper, Opium, or any Ingredient which ſhall poſſeſs any deleterious or unwholeſome Quality ſhall have been uſed, and all ſuch Sugar Water, Diſtillers Spent-waſh, Sugar Melaſſes, Vitriol, Quaſſia, Coculus Indicus, Grains of Paradiſe, Guinea Pepper, Opium, or Ingredient, in the Brewery or Stores of every ſuch Brewer or other Perſon, together with every Copper, Cooler, Back, Tun, Vat or other Veſſel in which any ſuch Liquor, Material, or other Ingredient ſhall be contained, or which ſhall have been made uſe of or employed for brewing ſuch Beer, Porter, Ale, or Small Beer as aforeſaid, ſhall be forfeited, and may be ſeized or ſpilled and deſtroyed; Provided always, that nothing herein contained ſhall be conſtrued to prevent any Porter Brewer from uſing any Article known by the Name of Colouring, provided that the ſame ſhall be made or prepared from burnt Sugar only, and reduced to a bitter Liquid by the infuſion of Water; and if any Brewer ſhall uſe in the brewing of Beer, Porter, Ale, or Small Beer, any extract from Sugar not of the aforeſaid Deſcription, or any Colouring poſſeſſing any deleterious or unwholeſome Quality whatſoever, ſuch Beer, Ale, Porter, or Small Beer, and ſuch Extract from Sugar and Colouring, which ſhall be found in the Brewery or Stores of ſuch Brewer, ſhall be forfeited, and

ſhall and may be ſeized or ſpilled and deſtroyed, and all Veſſels in which the ſame ſhall be contained ſhall be forfeited and may be ſeized, and ſuch Brewer ſhall alſo for every ſuch Offence forfeit the Sum of One hundred Pounds.

Bounty to Retailers of Beer to be diſcontinued.

XIV. And whereas the Allowances made by Law to Perſons retailing Beer, Porter or Ale, are not neceſſary to be continued longer than until the Twenty-ninth Day of *September* One thouſand eight hundred and nine, be it therefore enacted, That it ſhall not be lawful for any Perſon licenſed to ſell Spirituous Liquors, Wine, Beer, Ale and Cyder by retail, in the Cities of *Dublin*, *Cork*, *Waterford* or *Limerick*, to require, demand or receive any Certificate from the Commiſſioners of Exciſe, for the Purpoſe of claiming any Bounty in reſpect of any Quantity of Strong Beer or Ale, that ſuch Perſon may have ſold by Retail in the Year ending the Twenty-ninth Day of *September* One thouſand eight hundred and nine, or within any ſubſequent Year; and that it ſhall not be lawful for the Commiſſioners of Exciſe to give or grant any ſuch Certificate, nor for the Commiſſioners of Stamp Duties in *Ireland* to pay any Bounties to any ſuch Perſons in reſpect of any Quantity of Strong Beer or Ale ſold by ſuch Perſon by Retail within the ſaid Year, or within any ſubſequent Year, any Thing in an Act made in the Forty-fifth Year of His preſent Majeſty's Reign, intituled, *An Act for regulating Licences for the Sale of Spirituous Liquors, Wine, Beer, Ale and Cyder by Retail, and for diſcouraging the immoderate uſe of Spirituous Liquors in* Ireland, or in an Act made in the Forty-ſixth Year of His preſent Majeſty's Reign, intituled, *An Act to repeal the ſeveral Duties under the Care of the Commiſſioners for managing the Duties upon ſtamped Vellum, Parchment and Paper in* Ireland, *and to grant new and additional Duties in lieu thereof, and to amend the Laws relating to the Stamp Duties in* Ireland, to the contrary thereof notwithſtanding.

Powers of 45 G. 3 c. 53. applied to this Act.

XV. And be it further enacted, That all Penalties and Forfeitures under this Act ſhall be recovered, levied, and applied in ſuch Manner as is directed by the ſaid recited Act of the Forty-fifth Year of His preſent Majeſty's Reign intituled, *An Act for the Collection of the Malt Duties in* Ireland, *and regulating the Trade of a Maltſter*, with reſpect to Penalties and Forfeitures under the ſaid recited Act, and that all the Powers, Clauſes, Proviſions, Rules, and Regulations contained in the ſaid recited Act, or in any Act or Acts for amending the ſame, ſhall be applied in the Execution of this Act, as fully and effectually to all Intents and Purpoſes as if the ſaid Clauſes, Proviſions, Rules, and Regulations were repeated and re-enacted in this Act, and that the ſaid recited Act and this Act ſhall be conſtrued together as one Act, ſo far as the ſame are conſiſtent and compatible with each other, and as the ſaid recited Act of the Forty-fifth Year is altered and amended by this Act, or by any other Act or Acts in Force at the Time of the paſſing of this Act.

Act may be altered in this Seſſion.

XVI. And be it further enacted, That this Act may be altered, amended, or repealed, by any Act or Acts to be made in this preſent Seſſion of Parliament.

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