

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

***

Ireland; and in an Act made in the Forty-ninth Year of His present
49 G. 3. c. 99. Majesty's Reign, intituled *An Act to amend the several Acts for the regulating and securing the Collection of the Duties on Spirits distilled in* Ireland, *and for regulating the Sale of such Liquors by Retail;* and in an
53 G. 3. c. 148. Act made in the last Session of Parliament, intituled *An Act to provide for the more effectually preventing the illicit Distillation of Spirits in* Ireland;
54 G. 3. c. 32. and in an Act made in the present Session of Parliament, intituled *An Act to amend the several Acts for preventing the illicit Distillation of Spirits in* Ireland; shall be and the same are hereby repealed; except so far as relates to any such Fine or Penalty, which shall have been incurred at any Time before the Commencement of this Act; and except so far as relates to any Proceedings for the imposing, recovering, levying or distributing of any such Fine or Penalty so incurred, or to the Traversing or Trial of any Information, or to the proving or controverting of any Fact relating to such Fine or Penalty so incurred, which shall or may have been had or commenced under the Provisions of the said recited Acts, or any of them, at any Time before the Commencement of this Act, and which may then be depending and not finally determined; and all further Proceedings for the imposing, levying, recovering, paying, or distributing of any such Fine or Penalty so incurred, or for the Traversing or Trial of any such Information, or for the proving or controverting of any such Fact, shall and may be carried on, proceeded in and determined, in like Manner, to all Intents and Purposes, as if any such Information or other Proceedings, so had and commenced under the said recited Acts, or any of them, had been had and commenced under this present Act, and according to the Directions, Clauses, and Provisions in this present Act mentioned and contained.

Except as to Fines already incurred, and Proceedings to recover such Fines.

Further Proceedings for recovering such Fines so incurred shall be had under this Act.

Before any Information shall be proceeded on to impose Fines under this Act, Notice shall be given by Board of Excise.

II. And be it further enacted, That before any Information for any Offence, for the Purpose of proceeding to impose any Fine under the Provisions in this Act contained, shall be received or proceeded upon by or before any Justice of the Peace in any County, City, County of a City, or County of a Town in *Ireland*, at any Time after the Commencement of this Act, Notice shall be given, under the Hands of the Commissioners of Inland Excise and Taxes in *Ireland*, or any Three of them, by Publication in the *Dublin Gazette*, that it has been deemed expedient by the Lord High Treasurer of *Ireland*, or the Commissioners for executing the said Office of Lord High Treasurer, or any Three of them, upon the Representation of the said Commissioners of Inland Excise and Taxes, that the Provisions of this Act should be put in force within such County, City, County of a City, or County of a Town respectively, from such Time and for such Period as shall be mentioned in such Notice.

On Information to a Justice of Peace, of any unlicensed Still, &c. or any Wash, &c. not in the Possession of a licensed Distiller or

III. And be it further enacted, That from and after the Commencement of this Act, it shall and may be lawful for any Justice of the Peace, and he is hereby required, upon Information upon Oath to him given, that any unlicensed Still, or any Part of a Still, or any Appendage to a Still, or any Worm or any Utensil for distilling Spirits, has been found or used in any Place within the Jurisdiction of such Justice, or that any Wash, Pot Ale, Low Wines, or Singlings, has or have been found in any Place within the Jurisdiction of such Justice (such Wash, Pot Ale, Low Wine, or Singlings, not being in the Possession of any licensed Distiller, in his

his licenſed Diſtillery or Stores thereto belonging, or ſuch Waſh or Pot Ale not being in the Poſſeſſion of any licenſed Brewer, in his licenſed Brewery or Stores thereto belonging, or not being mixed with Hops in Quantity ſufficient to make the ſame into Beer, Ale, or Porter, or not having Hops infuſed therein in like Quantity for the Purpoſe of the ſame being made into Beer, Ale, or Porter), to examine into the Truth of ſuch Information; and if he ſhall find reaſon to believe that ſuch Still, or Part of a Still or Appendage to a Still, or ſuch Worm or other Utenſil, has been ſo found or uſed, as the Caſe may be, or that ſuch Waſh, Pot Ale, Low Wines, or Singlings, has or have been ſo found, he ſhall bind over the Perſon or Perſons giving ſuch Information to appear at the Aſſizes (or Preſenting Term if in the County or County of the City of *Dublin*), which ſhall be next enſuing after ſuch Information ſhall be laid, (provided that there ſhall be Ten clear Days between the Time when ſuch Still, or Part of a Still, or Appendage to a Still, or ſuch Worm or Utenſil for diſtilling, ſhall have been ſo found or uſed, or ſuch Waſh, Pot Ale, Low Wines, or Singlings, ſhall have been ſo found reſpectively, and the Firſt Day of ſuch Aſſizes or Preſenting Term; and in caſe there ſhall not be Ten ſuch clear Days, then at the Aſſizes or Preſenting Term next but one after the laying of ſuch Information as aforeſaid) to give Evidence, if neceſſary, in Support of ſuch Information; and ſuch Juſtice ſhall ſign a Notice of ſuch Information, directed to, and the ſaid Notice ſhall be ſerved upon any two Inhabitants being Houſeholders, Reſidents within the Pariſh, Place, Diſtrict or Diviſion liable, within any Part of which it ſhall appear by ſuch Information that the Place is ſituate where any ſuch Still, or Part of a Still, or Appendage to a Still, or ſuch Worm or other Utenſil, ſhall have been ſo found or uſed, or any ſuch Waſh, Pot Ale, Low Wines or Singlings ſhall have been ſo found, Seven Days at the leaſt previous to the Commiſſion-day of ſuch Aſſizes or Firſt Day of ſuch Preſenting Term; and ſuch Juſtice ſhall, at or before ſuch Aſſizes or Preſenting Term, deliver to the Clerk of the Crown all ſuch Informations ſo made before him, and ſuch Clerk of the Crown ſhall lay the ſame before the Court at the ſaid reſpective Aſſizes or Preſenting Term: And it ſhall and may be lawful for any Perſon liable to pay any Grand Jury Ceſs within ſuch Pariſh, Place, Diſtrict or Diviſion reſpectively, to appear at ſuch Aſſizes or Preſenting Term, and to offer to controvert the Fact of finding ſuch Still, Part of a Still or Appendage to a Still, or ſuch Worm or other Utenſil, or ſuch Waſh, Pot Ale, Low Wines or Singlings; or in caſe where the Charge in the Information is for uſing or intending to uſe a Still or Worm, or other Utenſil for diſtilling Spirits, to controvert the Fact that ſuch Still or Worm, or other Utenſil, had been uſed for any of the Purpoſes of Diſtillation in ſuch Pariſh, Place, Diſtrict or Diviſion, or the Fact that any ſuch Still or other Utenſil was unlicenſed; or that the Pariſh, Place, Diſtrict, or Diviſion, mentioned in any ſuch Information, is the Pariſh, Place, Diſtrict or Diviſion within which the Place is ſituate where ſuch Still, or Part of a Still or Appendage to a Still, or ſuch Worm or Utenſil, was ſo found or uſed, or intended to be uſed, or wherein any Waſh, Pot Ale, Low Wines, or Singlings, was or were ſo found; or to offer to prove that any ſuch Still, or Part of a Still or Appendage to a Still, or ſuch Worm or other Utenſil, Waſh, Pot Ale, Low Wines, or Singlings, found within ſuch Pariſh, Place, Diſtrict, or Diviſion, was or were colluſively left or brought there, for the Purpoſe of charging ſuch Pariſh, Place, Diſtrict, or

Brewer, &c. the Juſtice ſhall take Security, &c. and return the Information to the Aſſizes where the Fact ſhall be tried.

Diviſion, with the Penalty by this Act impoſed; or that ſuch Waſh, Pot Ale, Low Wines, or Singlings, were found in the Poſſeſſion of a licenſed Diſtiller, in his licenſed Diſtillery or Stores thereto belonging; or that the ſaid Waſh or Pot Ale was or were found in the Poſſeſſion of a licenſed Brewer, in his licenſed Brewery or Stores thereto belonging; or that the ſame was or were mixed with Hops in Quantity ſufficient to make the ſame into Beer, Ale, or Porter, or that Hops were infuſed in the ſame in like Quantity, for the Purpoſe of the ſame being brewed into Beer, Ale, or Porter; and whenever any ſuch Perſon ſhall ſo appear, and offer to controvert or to prove the Facts aforeſaid, or any of them, it ſhall be lawful for the Court, at the ſame Aſſizes or Preſenting Term, except as herein-after provided, and ſuch Court is hereby required, to try the Fact or Facts ſo offered to be controverted or proved, in the ſame Manner as the Traverſe to any Preſentment of a Grand Jury is or ought to be tried; but no Inhabitant of any ſuch Pariſh, Place, Diſtrict, or Diviſion, as the Caſe may be, ſhall be capable to ſit or ſerve as a Juror upon any ſuch Trial.

Informer, Inhabitants, &c. declared competent Witneſſes.

IV. Provided always, and be it enacted, That upon any ſuch Trial, and upon all Proceedings, and upon any Enquiry, touching the Matters in any ſuch Information contained, the Perſon having given ſuch Information as aforeſaid, and any Collector of any Grand Jury Ceſs, and any Perſon employed by or under ſuch Collector, in the levying or collecting of any ſuch Grand Jury Ceſs, in the Barony or County of a Town or City within which the Place ſhall be ſituate where any Still, or Part of a Still or Appendage to a Still, or any Worm or other Utenſil for diſtilling, or any Waſh, Pot Ale, Low Wines or Singlings, may have been ſo found, and any Churchwarden of any Pariſh in which ſuch Place ſhall be ſituate, or of any Pariſh contiguous thereto, ſhall be a competent Witneſs and Witneſſes; and that in all Trials on Informations which may be traverſed under this Act, no Inhabitant of any Pariſh, Place, Diſtrict or Diviſion, ſhall be deemed an incompetent Witneſs, on account of his being or being ſuppoſed to be intereſted as an Inhabitant, in the Event of ſuch Trial.

Fines to be impoſed by the Court on Pariſhes, &c. where Still, &c. is unlawfully uſed.

V. And be it further enacted, That if no Perſon ſhall appear at ſuch Aſſizes or Preſenting Term as aforeſaid, to controvert or prove the Facts as aforeſaid, or if a Verdict ſhall be given agreeably to any Information ſo made to ſuch Juſtice of the Peace, ſuch Court, at ſuch Aſſizes or Preſenting Term, ſhall fine the Pariſh, Place, Diſtrict or Diviſion, within which it ſhall appear that the Offence ſtated in ſuch Information was committed, in the Sum of Twenty-five Pounds *Britiſh* Currency, upon each and every ſuch Information ſo not traverſed or controverted, or on which ſuch Verdict ſhall be given agreeable to ſuch Information as aforeſaid; and in caſe at any enſuing Aſſizes or Preſenting Term the Court ſhall be required on any of the ſaid Accounts, to fine any Pariſh, Place, Diſtrict or Diviſion, which ſhall have been ſo fined in the ſaid Sum of Twenty-five Pounds on any of the ſaid Accounts, at any preceding Aſſizes or Preſenting Term, ſuch Court ſhall fine ſuch Pariſh, Place, Diſtrict, or Diviſion, in ſuch Second Inſtance, in the Sum of Forty Pounds *Britiſh* Currency, upon each and every ſuch Information ſo not traverſed or controverted, or on which ſuch Verdict ſhall be given as aforeſaid; and in caſe at any enſuing Aſſizes or Preſenting Term the Court ſhall be required

quired on any of the ſaid Accounts to fine any Pariſh, Place, Diſtrict or Diviſion, which ſhall have been ſo fined in the Sum of Forty Pounds, on any of the ſaid Accounts, at any preceding Aſſizes or Preſenting Term, ſuch Court ſhall in every ſuch Inſtance fine ſuch Pariſh, Place, Diſtrict or Diviſion in the Sum of Sixty Pounds *Britiſh* Currency, on each and every ſuch Information ſo not traverſed or controverted, or on which ſuch Verdict ſhall be given as aforeſaid; and the ſaid Court ſhall direct the Treaſurer of the County, County of the Town or City, to iſſue his Warrant for levying the ſaid Sums of Forty Pounds or Sixty Pounds reſpectively, as the Caſe may be, off the Pariſh, Place, Diſtrict or Diviſion reſpectively in which the Place is or ſhall be ſituate, where ſuch Still, or Part of a Still or Appendage to a Still, or ſuch Worm or other Utenſil, or ſuch Waſh, Pot Ale, Low Wines or Singlings, was or were found, or was or were uſed, as the Caſe may be; which ſaid Sums of Twenty-five Pounds, Forty Pounds, or Sixty Pounds reſpectively, ſhall be levied by the Collector of the Grand Jury Ceſs in like Manner, and with like Powers, Authorities, and Remedies in caſe of Non-payment thereof, or of any Part thereof, as are provided by Law with reſpect to any Money to be levied under any Preſentment of a Grand Jury; except as herein-after mentioned.

Court may impoſe Fine either on the Pariſh, or other known Diviſion or Diſtrict.

VI. Provided always, and be it enacted, That it ſhall and may be lawful for the Court, at ſuch Aſſizes or Preſenting Term, at the Time of impoſing any ſuch Fine as aforeſaid, to order and direct that ſuch Fine ſhall be impoſed and levied either on the Pariſh at large within which the Place ſhall be ſituate, where the Offence, in reſpect of which ſuch Fine ſhall be impoſed, was committed, or upon any Townland, Quarterland, Ballybow, Manor, Lordſhip, or other Place, Diſtrict or Diviſion whatſoever, within which ſuch Place ſhall be ſituate, and on which, under all the Circumſtances of the Caſe, it ſhall appear expedient to the Court that ſuch Fine ſhould be impoſed; and ſuch Fine ſhall be impoſed and levied either upon ſuch Pariſh at large, or upon ſuch Townland, Quarterland, Manor, Lordſhip or Diſtrict accordingly: Provided always, that Notice of the Information for ſuch Offence ſhall have been given, according to the Directions of this Act, to the Inhabitants of the Pariſh, within which ſuch Townland, Quarterland, Manor, Lordſhip, or other Diſtrict or Diviſion ſhall be ſituate, on which ſuch Fine ſhall have been impoſed as aforeſaid.

Trial of Informations for Offences, ſhall be finiſhed before the Aſſizes are adjourned.

VII. And be it further enacted, That all Informations for any Offence, on account whereof any Pariſh, Place, Diſtrict, or Diviſion, or any Houſe, Place, or Perſon within the ſame, ſhall be liable to the Payment of any Fine or Penalty as aforeſaid under this Act, which ſhall be delivered to the Clerk of the Crown, according to the Directions of this Act, by any Juſtice or Juſtices before whom ſuch Informations ſhall have been laid and given reſpectively, ſhall by ſuch Clerk of the Crown be laid before the Court, on the Firſt Day of every Aſſizes, or Preſenting Term; and all ſuch Informations, and all Iſſues and Traverſes concerning ſuch Informations, and for the recovering of any ſuch Fine or Penalty, or for the proving or controverting any Matter or Thing relating to any ſuch Information, Fine or Penalty, ſhall be proceeded upon and ſhall be fully tried and determined by the Court, at ſome Time during the Continuance of ſuch Aſſizes, and before the Judges ſhall depart from the County in which ſuch Aſſizes ſhall be holden.

Diſtribution of Fines.

VIII. And be it further enacted, That every ſuch Fine of Twenty-five Pounds, Forty Pounds, or Sixty Pounds reſpectively, (after deducting thereout the Coſts of recovering the ſame, if ſuch Coſts ſhall not be paid by the Direction of the Commiſſioners of Inland Exciſe and Taxes in *Ireland* as herein-after mentioned, but where ſuch Coſts ſhall be ſo paid, then the whole of ſuch Fine without any Deduction), ſhall be applied in Manner following; (that is to ſay), One Moiety thereof, (or of ſo much thereof as ſhall remain, after deducting the Coſts in the Caſe aforeſaid), ſhall be paid by the Treaſurer of the County, County of a Town, or City, to the Officer of Exciſe who ſhall have given ſuch Information to ſuch Juſtice of the Peace, and who ſhall have appeared at the Aſſizes or Seſſions, purſuant to his Recognizance, to proſecute the ſame, and ſhall be applied by him in rewarding himſelf and his Aſſiſtants, in ſuch Manner and according to ſuch Proportions as the Commiſſioners of Inland Exciſe and Taxes ſhall direct: And in caſe the Perſon giving ſuch Information ſhall not be an Officer of Exciſe, then ſuch Moiety ſhall be paid by ſuch Treaſurer, according to the Directions of the Court, either to ſuch Informer, or to ſuch Juſtice as aforeſaid, to be by him applied in rewarding ſuch Informer, or otherwiſe promoting the Suppreſſion of unlicenſed Stills within his Juriſdiction, according to his Diſcretion; and the other Moiety of all and every ſuch Fine or Fines, (or of ſo much thereof reſpectively as may remain after deducting the Coſts in the Caſe aforeſaid), ſhall be paid by every ſuch Treaſurer, on the Certificate herein-after mentioned, to the Perſon or Perſons who ſhall ſet up and work any licenſed Still of leſs than One Thouſand Gallons Content, within any Pariſh, Townland, Manor, or Lordſhip, in which any ſuch Fine ſhall have been levied: Provided always, that the Claim of every ſuch Perſon ſhall be determined on and certified by the Juſtices of the Peace at any Quarter Seſſions, whether held by Adjournment or otherwiſe, within the County, County of a City or Town, wherein ſuch Pariſh, Place, Diſtrict, or Diviſion ſhall be ſituate; and in caſe more Perſons than One ſhall claim ſuch Moiety of any ſuch Fine or Fines, ſuch Court of Quarter Seſſions ſhall and may prefer the Claim of the Perſon who ſhall have ſet up the Still of the largeſt Content; or ſhall and may divide ſuch Moiety of ſuch Fine or Fines among all the Claimants entitled, in Shares to each, in Proportion to the Contents of their reſpective Stills; or ſhall and may adjudge the Whole of ſuch Moiety of any Fine or Fines to the Perſon who ſhall have firſt ſet up and worked a licenſed Still in any ſuch Pariſh, Place, Diſtrict or Diviſion, according as ſuch Court ſhall in their Diſcretion think moſt conducive to the Encouragement of licenſed, and the Diſcouragement of clandeſtine Diſtillation; and it ſhall be lawful for ſuch Court of Quarter Seſſions to take ſuch Security, as in the Judgment of ſuch Court ſhall ſeem proper, that every Perſon who ſhall receive any ſuch Fine or Fines, or any Portion thereof, ſhall continue to work his Still during any ſuch Period, not leſs than Four Months in the Year, as ſuch Court ſhall think reaſonable, and which ſuch Court ſhall direct accordingly; and if no ſuch Certificate ſhall be made by ſuch Juſtices at any Quarter Seſſions, within Six Months after the Time when any ſuch Fine or Fines ſhall have been levied, then and in ſuch Caſe One Fourth Part of ſuch Fine (or of ſo much thereof as may remain after deducting the Coſts in the Caſe aforeſaid) ſhall be paid by every ſuch Treaſurer, for the Uſe of His Majeſty, His Heirs and Succeſſors, into the Hands of the Collector of Exciſe for the Diſtrict in which the Pariſh, Townland,

Moiety to Informer, if an Exciſe Officer.

If Informer is not an Exciſe Officer, then to ſuch Informer, or to the Juſtices, &c.

The other Moiety to Perſons ſetting up licenſed Stills therein under 1,000 Gallons.

Diſtribution of Moiety of Penalties, if not applied to Encouragement of Stills.

Townland, Manor or Lordſhip, of which ſuch Fine ſhall be levied, ſhall be ſituate; and the remaining Fourth Part of ſuch Fine (or of ſo much thereof as may remain after deducting the Coſts in the Caſe aforeſaid) ſhall be paid by every ſuch Treaſurer, if in the County of *Dublin*, or County of the City of *Dublin*, to the Society for diſcountenancing Vice and promoting Virtue in the ſaid City, for the Uſe of the ſaid Society; and if in any other County, or County of a Town or City, to the Treaſurer of the Public Infirmary or Hoſpital of ſuch County, Town, or City, for the Uſe of the ſaid Infirmary or Hoſpital, or for or towards erecting and maintaining one or more Ward or Wards for Idiots or Lunatics, or towards erecting and ſupporting Diſpenſaries, for furniſhing Medicines and giving Medical Aid and Relief to the Poor, in ſuch Places within the County as the Grand Jury ſhall have preſented Money for the Eſtabliſhment of Diſpenſaries therein, as the Governors of ſuch Infirmary or Hoſpital ſhall think fit.

Commiſſioners of Exciſe may order Payment of Coſts, as Incidents.

IX. And be it further enacted, That it ſhall be lawful for the Commiſſioners of Inland Exciſe and Taxes in *Ireland*, to direct that all Coſts which ſhall be incurred in proſecuting any ſuch Information, or ſo much thereof as the ſaid Commiſſioners ſhall think proper, ſhall be paid out of any Revenue, under their Management, and to place the ſame under the Head of Incidents, without any Warrant in that Behalf.

Commiſſioners of Exciſe may order Collectors to advance to Informers their Share of Fines.

X. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners of Inland Exciſe and Taxes, if they ſhall ſo think fit, to order the Collector of Exciſe of the Diſtrict wherein any Fine as aforeſaid ſhall be impoſed and be directed to be levied, to advance and pay out of any Public Money in his Hands the Share of any ſuch Fine which is directed to be paid to ſuch Officer by the Proviſions of this Act; which Order every Collector of Exciſe is hereby required to obey, upon the ſame being ſent or delivered to him, and upon ſuch Officer producing to him a Certificate from the Clerk of the Crown, that ſuch Fine was impoſed and directed to be levied, and that ſuch Officer did appear at the Aſſizes or Seſſions purſuant to his Recognizance to proſecute.

Collector ſhall be reimburſed by Treaſurer of County out of Sums levied for Fines.

XI. And be it further enacted, That every ſuch Payment ſo made by any Collector of Exciſe ſhall be allowed to him in his Accounts; and that every Treaſurer of a County, County of a Town or City, wherein any Collector ſhall have advanced and paid ſuch Money as aforeſaid, ſhall, on Demand made by or on Behalf of the Collector who ſhall have made ſuch Advance, or his Succeſſors, repay to him, for the Uſe of His Majeſty, His Heirs and Succeſſors, the full Amount of the Money ſo advanced, out of the firſt Monies he ſhall receive from the Perſon to whom he ſhall have iſſued his Warrant for levying ſuch Fine; and the Receipt of ſuch Collector ſhall be a ſufficient Acquittal to ſuch Treaſurer; and every ſuch Payment ſhall be allowed to ſuch Treaſurer in his Accounts accordingly.

Informer ſhall declare if he knows the Parties guilty, and ſhall be bound

XII. And be it further enacted, That whenever any Perſon ſhall give any Information of any Offence which by Law is declared to be a Miſdemeanor, and whereby any Pariſh, Place, Diſtrict or Diviſion, or any Houſe or Perſon within the ſame, ſhall be and become liable to any Fine, ſuch Informer ſhall at the ſame Time make Oath, and declare in

over to profecute them for a Misdemeanor.

such Information, whether or not he knows any of the Persons concerned in the committing of any such Offence, and if he does know such Persons, he shall declare their Names in such Informations; and the Magistrates before whom such Informations shall be given, shall forthwith bind over such Informer to prosecute such Persons for a Misdemeanor according to the Laws in force in *Ireland*; and such Magistrate shall also issue his Warrant to apprehend such Persons, that they may be dealt with according to Law; and if such Informer shall not give Evidence against such Person when brought to Trial, he shall not be entitled to receive any Part of any such Fine; any Thing in this Act contained to the contrary notwithstanding.

Where the Offender is convicted of a Misdemeanor, the Fine shall be mitigated, payable to the Informer, and if he gives up his Right, no Fine shall be imposed.

XIII. Provided always, and be it enacted, That whenever any Offender shall have been tried and convicted for any Offence declared to be a Misdemeanor by any Act or Acts for the regulating or securing the Collection of the Duties on Spirits made in *Ireland*, by the Evidence of any Inhabitant (not being an Officer of Excise) of the Parish, Place, District or Division, in which the Place shall be situate where such Offence was committed, upon an Information given by such Inhabitant, before any other Information for the said Offence shall have been given to a Magistrate, the Court before whom any such Conviction shall be had, at any Assizes or Presenting Term shall fine such Parish, Place, District, or Division, on account of such Offence, in One Half only of the Sums respectively herein-before mentioned, (that is to say) in the Sum of Twelve Pounds Ten Shillings *British* Currency, in the first Instance; the Sum of Twenty Pounds *British* Currency, in a second Instance; and the Sum of Thirty Pounds *British* Currency, in a third or any subsequent Instance, to be recovered and levied in like Manner as is herein directed with respect to the other Fines herein-before mentioned; and the Whole of such mitigated Fine or Sum shall be paid by the Treasurer of the County, County of a City or County of a Town, to the Inhabitant who shall have so given such Information, and by whose Evidence such Conviction shall have been had; and in case such Inhabitant shall state in such Information, that he is willing to give up all Right in such Fine, if imposed, it shall not be lawful for such Court in such Case to fine any such Parish, Place, or District, on account of such Offence, in any Sum of Money whatever; any Thing in this Act to the contrary notwithstanding.

Evidence that the Place, &c. where the Still, &c. is found, is charged to the Public Cess within a certain Parish, shall be sufficient Proof against the Parish.

XIV. And be it further enacted, That whenever the Fact, that the Parish, Place, or District mentioned in any such Information, is the Parish, Place, District, or Division, within which the Place is situate, where such Still, or Part of a Still or Appendage to a Still, or such Worm or Utensil for distilling, was so found or used, or wherein any such Wash, Pot Ale, or Singlings, was or were so found, shall be controverted in Manner herein-before mentioned, Evidence may be given that the Place where such Still, or any Part of a Still or Appendage to a Still, or such Worm or Utensil was found or used, or such Wash, Pot Ale, Low Wines, or Singlings was or were found, has been charged with or paid some Grand Jury Cess or Parish Cess, as Part of the Parish, Place, District or Division mentioned in such Information; and such Evidence shall be deemed sufficient Proof for the Purposes of this Act, that such Place is actually situate within such Parish, Place, District or Division; and such Parish, Place, District, or Division, shall be charged with the Penalty under this Act accordingly.

XV. And

Proof of ſigning of Information, and Notice by Juſtice.

XV. And be it further enacted, That whenever any Juſtice of the Peace ſhall take or receive any Information for any Offence relating to any unlicenſed Still, or Part of a Still or Appendage to a Still, or any Worm, or Utenſil for diſtilling Spirits, or any Waſh, Pot Ale, Low Wines or Singlings, under the Directions and Proviſions of this Act, or ſhall ſign any Notice of ſuch Information, to be ſerved upon the Inhabitants of any Pariſh, Place, Diſtrict or Diviſion, purſuant to the Directions of this Act; Proof of the Hand Writing of ſuch Juſtice to ſuch Information or Notice reſpectively, by the Oath of any one credible Witneſs, ſhall be deemed ſufficient Evidence that ſuch Information was taken and ſo ſigned by ſuch Juſtice, or that ſuch Notice was ſo ſigned by ſuch Juſtice reſpectively as aforeſaid.

Manner of ſerving Notices.

XVI. And be it further enacted, That it ſhall and may be lawful for the Perſon or Perſons who ſhall be employed to ſerve any Notice upon Two Inhabitants of any Pariſh, Place, Diſtrict, or Diviſion, under the Directions of this Act, to ſerve the ſame by leaving ſuch Notice at the Dwelling Houſe of each ſuch Inhabitant, with any Perſon or Perſons reſident therein above the Age of Sixteen Years; and if no Perſon ſhall appear at ſuch Houſe, on whom ſuch Notice can be ſerved, then the Perſon or Perſons who ſhall be employed to ſerve the ſaid Notice ſhall and he or they is and are hereby required to poſt ſuch Notice on the Door of ſuch Houſe, and they ſhall leave the ſame there poſted; and every ſuch Notice ſo ſerved or poſted, ſhall be deemed and taken to be a good and ſufficient Notice for proceeding under this Act.

If at the Trial it appears that the Pariſh, &c. in the Information, is not the Pariſh in which the Offence was committed, the Jury ſhall aſcertain the Pariſh, &c.

XVII. And be it further enacted, That on the Trial of the Queſtion whether the Pariſh, Place, Diſtrict, or Diviſion, mentioned in any ſuch Information, or liable to be fined under this Act, is the Pariſh, Diſtrict, or Diviſion, within which the Place is ſituate where ſuch Still, or Part of a Still or Appendage to a Still, or any Worm or Utenſil for diſtilling, was ſo found or uſed, or where any Waſh, Pot Ale, Low Wines, or Singlings, was or were ſo found, the Judge of Aſſize or Court before whom the ſaid Queſtion ſhall be tried, ſhall direct the Jury, that in caſe they ſhall be of Opinion that ſuch Place is not ſituate within the Pariſh, Place, Diſtrict, or Diviſion, mentioned in ſuch Information, or liable to be fined as aforeſaid, they ſhall proceed to enquire on the Evidence of the Parties and Perſons then preſent, and to find and declare in what Pariſh, Place, Diſtrict, or Diviſion, ſuch Place is actually ſituate; and ſuch Jury ſhall enquire and find and declare accordingly, or ſhall find and declare that they have not learned and do not know in what Pariſh, Place, Diſtrict, or Diviſion, ſuch Place is ſituate; and it ſhall be lawful for the Informer who proſecuted ſuch Information, to proceed *de novo* either againſt the Pariſh, Place, Diſtrict, or Diviſion, within which the Jury ſhall find and declare the Place where ſuch Offence was committed to be ſituate, or againſt any Pariſh, Place, Diſtrict, or Diviſion, within which ſuch Informer ſhall, from the Evidence given at ſuch Trial or otherwiſe, have Reaſon to believe that the Place where ſuch Offence was committed is ſituate, and to recover the Penalty for ſuch Offence againſt any ſuch Pariſh, Place, Diſtrict, or Diviſion, at the then next enſuing Aſſizes or Preſenting Term, in ſuch Manner, and under ſuch Regulations, in all Reſpects, as are herein-before mentioned and contained, with reſpect to the original Proceeding by ſuch Informer; and upon the Trial of any Information for ſuch Penalty, againſt any Pariſh, Place,

and the Informer may proceed de novo.

Place, Diſtrict, or Diviſion, at ſuch ſubſequent Aſſizes, the former Verdict or Finding of the Jury, that the Place mentioned in ſuch Information, as the Place where ſuch Offence was committed, was ſituate within the Pariſh, Place, Diſtrict, or Diviſion, ſo proceeded againſt, ſhall be Evidence that ſuch Place was ſo ſituated, unleſs the ſame ſhall be diſproved by other Evidence offered to controvert the ſame.

Informer may apply to Juſtice to ſummon Collector, &c. of Grand Jury Ceſs to attend at the Place, and ſhew the Pariſh, &c. in his Book of Applotment, &c.

XVIII. And for the more eaſily aſcertaining the Pariſh, Place, Diſtrict, or Diviſion liable to any Fine under this Act, be it enacted, That whenever any Perſon ſhall find any unlicenſed Still, or Part of a Still, or Appendage to a Still, or any Worm or Utenſil for diſtilling Spirits, or any Waſh, Pot Ale, Low Wines, or Singlings, in Manner herein-before mentioned, in any Place in *Ireland*, whereby the Pariſh, Place, Diſtrict, or Diviſion, in which the Place ſhall be ſituate where the ſame ſhall be uſed or found, may be ſubject to the Fine in this Act mentioned, it ſhall and may be lawful for the Perſon ſo finding the ſame, to apply to the Juſtice of the Peace before whom Information of ſuch Offence ſhall be given according to the Directions of this Act, or to any other Juſtice of the Peace, for a Summons; which Summons ſuch Juſtice ſhall iſſue accordingly under his Hand, to any Perſon being, or having within Two Years preceding been, or whom ſuch Informer ſhall have Reaſon to believe is or has been a Collector, or employed by or under any Collector, in the levying and collecting of the Grand Jury Ceſs in the Barony or County of a Town or City within which ſuch Place ſhall be ſituate, commanding and requiring ſuch Collector or other Perſon to attend the ſaid Informer to the Place in which ſuch Still, or Part of a Still, or Appendage to a Still, or ſuch Worm or Utenſil, or ſuch Waſh, Pot Ale, Low Wines, or Singlings, was or were found by ſuch Informer, and there to ſhow, by the Books of Applotment in the Poſſeſſion of ſuch Collector or other Perſon, or otherwiſe to make known to ſuch Informer, within what Pariſh, Town-land, Quarter-land, Manor, Lordſhip, or other Place, Diſtrict, or Diviſion whatſoever, the Limits of which ſhall be known or aſcertained, the Place where ſuch Still or other Articles was or were found, was laſt charged, or charged at any Time within Two Years preceding, with Grand Jury Ceſs; and ſuch Collector or other Perſon ſhall attend and ſhow or make known the ſame accordingly.

Churchwardens may be ſummoned to give Information of the Pariſh in like Manner.

XIX. And be it further enacted, That it ſhall and may be lawful for any ſuch Perſon to make a like Application to ſuch Juſtice for a like Summons to the Churchwardens of any Pariſh in which ſuch Informer ſhall have Reaſon to believe that the Place is ſituate in which any ſuch Still, or Part of a Still, or Appendage to a Still, or any ſuch Worm or Utenſil, or any ſuch Waſh, Pot Ale, Low Wines, or Singlings may be found by ſuch Perſon, and alſo for a like Summons to the Churchwardens of any Pariſh next contiguous thereto; and ſuch Juſtice ſhall iſſue ſuch Summons and Notice, and ſuch Churchwardens ſhall attend accordingly, and ſhall ſhow and make known to ſuch Informer in what Pariſh the ſaid Place was laſt charged to any Veſtry or Pariſh Ceſs.

Penalty for Non-attendance, Collector 50l., Churchwarden, &c. 20l.

XX. And be it further enacted, That if any ſuch Collector ſhall neglect or refuſe to attend in Obedience to ſuch Summons, or ſhall withhold ſuch Information as ſhall be ſo required of him under this Act, or ſhall knowingly give falſe Information touching the Matters aforeſaid, ſuch

Collector or other Perſon ſhall forfeit the Sum of Fifty Pounds; and if any Churchwarden or other Perſon ſo ſummoned, ſhall ſo neglect or refuſe to attend, or ſhall withhold any ſuch Information, or ſhall knowingly give any falſe Information, ſuch Churchwarden or other Perſon ſhall forfeit the Sum of Twenty Pounds, to be recovered and applied in like Manner as any Penalty, under any Act or Acts in force relating to the Diſtillation of the Spirits of *Ireland*, or to the Sale of the ſame by Retail, may be recovered or applied under or by virtue of ſuch Acts, or any of them.

When illegal Still is found on the Borders of Two or more Townlands, a Fine ſhall be impoſed on all.

XXI. And be it further enacted, That whenever it ſhall appear upon the Trial of any Information, that any unlicenſed Still, or Part of a Still or Appendage to a Still, or any Worm or other Utenſil for the diſtilling of Spirits, or any Waſh, Pot Ale, Low Wines, or Singlings, ſhall have been found or uſed in any Houſe or Place on the Borders of any Two or more Pariſhes, Townlands, Places, Diſtricts, or Diviſions, ſo that it cannot be aſcertained within what Pariſh, Townland, Place, Diſtrict, or Diviſion, ſuch Houſe or Place is wholly or in part ſituate, the Court ſhall fine each and every Pariſh, Townland, Place, Diſtrict, or Diviſion, on the Border or Borders of any of which ſuch Houſe or Place, or any Part thereof, ſhall be ſituate, in a Penalty or Fine of Twenty-five Pounds *Britiſh* Currency, in every Inſtance, and for every Offence, and to direct the Treaſurer or Treaſurers of the County, County of a City or County of a Town, in which the ſaid Pariſhes, Townlands, Places, Diſtricts, or Diviſions, or any of them, ſhall be ſituate, to iſſue his Warrant for levying the ſaid Fine or Sum of Twenty-five Pounds upon each and every ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, to be applotted upon and raiſed off each ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, in ſuch Manner, and according to ſuch Rules and Regulations, as are hereinafter mentioned and contained.

How the Fine ſhall be applotted on the Pariſh, &c.

XXII. And, for the better apportioning and Applotment of any ſuch Fine impoſed on any Pariſh, Townland, Place, Diſtrict, or Diviſion, be it further enacted, That it ſhall and may be lawful for any Two Perſons, each liable to pay Grand Jury Ceſs in any Pariſh, Townland, Place, Diſtrict, or Diviſion, on which any Fine or Fines ſhall have been impoſed by virtue of this Act, to poſt up, within Ten Days after ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, ſhall have been ſo fined, on the Door of the Church or other Place of Worſhip, or in any other conſpicuous Place within ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, a Notice ſigned by themſelves, requiring all Perſons liable to pay Grand Jury Ceſs within ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, to meet on a certain Day, not more diſtant than Thirty Days, nor nearer than Twenty Days, at ſome convenient Place within ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, ſpecified in ſuch Notice, to applot the Sum or Sums in which ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, ſhall have been fined as aforeſaid; and that it ſhall be lawful for the Perſons who ſhall meet purſuant to ſuch Notice, each liable to pay Grand Jury Ceſs in ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, to applot all ſuch Sums to be levied on the whole, or only on ſo much or ſuch Parts of ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, as they ſhall judge fit, always comprehending in ſuch Applotment ſuch Part of the Pariſh, Townland, Place, Diſtrict, or Diviſion only, as lies within the County where ſuch Fine or Fines ſhall have been impoſed, and always comprehending every Part thereof,

thereof, ſo lying within ſuch County, within One Mile of the Place or Places where any Still, Part of a Still or Appendage to a Still, or any Worm or other Utenſil, ſhall have been found or uſed, or any Waſh, Pot Ale, Low Wines, or Singlings, ſhall have been found, in reſpect whereof ſuch Fine or Fines ſhall have been ſo impoſed.

Collector ſhall levy the Fine according to ſuch Applotment, if delivered to him within 40 Days.

XXIII. And be it further enacted, That within Forty Days from the Day whereon any ſuch Fine ſhall have been impoſed, ſuch Applotment ſhall be delivered to the Collector, or other Perſon empowered to collect the public Ceſs, ſigned by Five or more of the Perſons applotting the ſame, verified by Affidavit ſworn by them before a Magiſtrate, which Affidavit any Magiſtrate is hereby empowered to adminiſter, and which ſhall be to the Import following; (that is to ſay), "That ſuch Applotment has been made at a Meeting held under the Proviſions of this Act, and that every Perſon who has ſigned the ſame is, to the beſt of their Belief and Judgment, liable to the Payment of Grand Jury Ceſs in ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, and that ſuch Applotment is fairly and impartially made, to the beſt of their Skill and Judgment, upon the Whole, or ſuch Parts of the ſaid Pariſh, Townland, Place, Diſtrict or Diviſion, as are compriſed within ſuch Applotment;" and thereupon every ſuch Collector or other Perſon ſhall levy the Amount of ſuch Fines, agreeably to ſuch Applotment, upon the Perſons, and in the Amount upon each Perſon reſpectively named therein, by Diſtreſs and Sale of the Goods of every ſuch Perſon refuſing or neglecting to pay; and in caſe no ſuch Applotment ſhall be ſo made and delivered within Forty Days as aforeſaid, ſuch Collector or other Perſon ſhall and may, and he is hereby required, to levy the Penalty or Penalties ſo impoſed as aforeſaid, off the Whole of ſuch Pariſh, Townland, Place, Diſtrict or Diviſion, or off ſuch Part of ſuch Pariſh, Townland, Place, Diſtrict or Diviſion, as is ſituate within the County, the Treaſurer whereof ſhall have iſſued the Warrant, in like Manner and with like Powers, Authorities, and Remedies in caſe of Non-payment thereof, or of any Part thereof, as are provided by Law in reſpect to any Money to be levied under any Preſentment of a Grand Jury.

If no Applotment delivered, the Fine ſhall be levied off the whole Pariſh, &c.

Where Pariſh, &c. borders on Two or more Counties, the Part included in the County where the Fine is impoſed ſhall be liable to the Fine.

XXIV. And, in order to avoid all Doubts and Difficulties, in Caſes where any Pariſh, Townland, Place, Diſtrict, or Diviſion ſhall be ſituate in Two or more Counties, be it further enacted, That ſuch Part of any Pariſh, Townland, Place, Diſtrict, or Diviſion as is ſituate within the County, County of a Town or City, wherein any Fine ſhall be impoſed, ſhall be deemed and conſidered as the Pariſh, Townland, Place, Diſtrict, or Diviſion made liable to Fines in reſpect of any unlicenſed Still, or Part of a Still, or Appendage to a Still, or Worm or other Utenſil for diſtilling ſo found or uſed therein, or in reſpect of any Waſh, Pot Ale, Low Wines or Singlings found therein, and proceeded againſt under the Proviſions of this Act.

In Market Towns, the Fines ſhall be laid on the Diſtillery and the adjoining Houſes.

XXV. And be it further enacted, That in all Caſes where under this Act the Court at any Aſſizes or Preſenting Term ſhall fine any Pariſh, Townland, Place, Diſtrict or Diviſion, being ſituated in part or in the whole within any Market Town or City in *Ireland*, in any Sum of Money, on account of any unlicenſed Still, or any Worm or other Utenſil for diſtilling Spirits, or any Waſh, Pot Ale, Low Wines or Singlings, having been found

found or uſed in any Place in ſuch Pariſh, Townland, Place, Diſtrict or Diviſion, ſituate within any ſuch Market Town or City, ſuch Court ſhall direct the Treaſurer of the County, County of a City or County of a Town, within which ſuch Pariſh, Townland, Place, Diſtrict or Diviſion ſhall be ſituate, to iſſue his Warrant for levying the whole of ſuch Fine or Sum of Money off the Diſtillery Houſe or Place in which ſuch unlicenſed Still, or Part of a Still or Appendage to a Still, or any Worm or other Utenſil for diſtilling Spirits, or any Waſh, Pot Ale, Low Wines or Singlings, were found or uſed, and off ſuch Houſes and Places as ſhall be adjoining to ſuch Diſtillery Houſe or Place; and ſuch Fine or Sum ſhall in ſuch Caſe be applotted upon and raiſed off ſuch Diſtillery Houſe or Place, and ſuch Houſes or Places adjoining, excluſive of any other Part of ſuch Pariſh, Townland, Place, Diſtrict or Diviſion, in ſuch Manner and according to ſuch Rules and Regulations as are herein-after contained: Provided always, that if no ſuch Applotment, or no ſufficient Applotment ſhall be made on ſuch Diſtillery Houſe or Place, and the Houſes or Places ſo adjoining, ſuch Fine ſhall be levied off the whole Pariſh, Townland, Place, Diſtrict or Diviſion, as is by this Act directed in Caſes where no Applotment is made in other Inſtances under this Act.

For reimburſing the Fine to the Inhabitants by the Offender.

XXVI. And, in order to reimburſe the ſeveral Inhabitants or Landholders in any Pariſh, Townland, Place, Diſtrict or Diviſion upon or by whom any Penalty ſhall have been levied or paid by virtue of any Warrant from any Treaſurer as aforeſaid, in reſpect of any unlicenſed Still, or Part of a Still, or Appendage to a Still, or any Worm or other Utenſil, or any Waſh, Pot Ale, Low Wines or Singlings, ſo found as aforeſaid; be it enacted, That it ſhall and may be lawful for any one Inhabitant or Landholder in any Pariſh, Townland, Place, Diſtrict or Diviſion, who ſhall have paid any ſuch Penalty, or any Part thereof, to proceed by Civil Bill on behalf of the whole Pariſh, Townland, Place, Diſtrict, or Diviſion, at any Time within Three Years from the Time when any ſuch Penalty was paid, againſt the Perſon or Perſons who was or were the Owner or Owners of the unlicenſed Still, or Part of a Still or Appendage to a Still, or Worm or other Utenſil, or Waſh, Pot Ale, Low Wines or Singlings, on account of which any ſuch Penalty was ſo levied or paid, or againſt the Perſon or Perſons who made uſe of the ſame, or againſt the Perſon or Perſons in whoſe Tenement the ſame was ſeized, for the Recovery of the whole of the Money ſo paid by the Inhabitants or Landholders of ſuch Pariſh, Townland, Place, Diſtrict or Diviſion, on account of ſuch Penalty; and any ſuch Inhabitant or Landholder who ſhall firſt proceed in Manner aforeſaid for the Recovery of ſuch Money, ſhall recover the Amount of the Penalty or Money ſo paid by ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, in the ſame Manner as any Debt or Demand in ordinary Caſes recoverable by Civil Bill may be recovered and levied, together with full Coſts; and the Money ſo recovered ſhall be paid to the Perſon ſuing for the ſame, and ſhall be by him applied in Re-payment to and among himſelf and the other Landholders and Inhabitants of ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, in the Shares and Proportions paid by them reſpectively on account of ſuch Penalty, in ſuch Manner as the Judge of Aſſize, Recorder, Chairman, or Aſſiſtant Barriſter, before whom ſuch Recovery ſhall be had, ſhall order and direct: Provided always, that no Sum of Money ſhall be recovered in Manner aforeſaid, on Behalf of any Pariſh,

Townland, Place, Diſtrict, or Diviſion, by more than One Perſon, on account of one and the ſame Penalty ſo levied on any ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion; and that if more Perſons than One ſhall proceed by Civil Bill, on account of one and the ſame Penalty, the Recorder, Chairman, or Aſſiſtant Barriſter, or Judge of Aſſize, ſhall diſmiſs the Bill of every Perſon ſo proceeding, except that of the Perſon who ſhall have firſt proceeded in Manner aforeſaid on account of ſuch Penalty.

Treaſurers ſhall account at Aſſizes for Receipt and Application of all Fines impoſed for illegal Stills.

XXVII. And for ſecuring the more regular and ſpeedy Application, by the Treaſurers of the ſeveral Counties, Counties of Cities and Towns, in *Ireland*, of all ſuch Fines impoſed at the ſeveral Aſſizes or Preſenting Terms or Pariſhes, Townlands, Places, Diſtricts or Diviſions, or on any Houſe, Place, or Perſon within the ſame, under the Proviſions of this Act; be it enacted, That from and after the Commencement of this Act, it ſhall not be lawful for any Court or Judge, at any Aſſizes or Preſenting Term in any County, County of a City or Town in *Ireland*, to fiat any Preſentment for the Salary of, or for any Per-centage or Allowance payable to the Treaſurer of ſuch County, County of a City or Town, unleſs ſuch Treaſurer ſhall at ſuch Aſſizes or Preſenting Term produce to ſuch Court or Judge, upon Oath, which Oath ſuch Court or Judge is hereby empowered and required to adminiſter, a full, ſeparate, and true Account of the Receipts and Payments by ſuch Treaſurer, on account of all ſuch Fines as ſhall have been impoſed on any Pariſh, Townland, Place, Diſtrict or Diviſion, or on any Houſe, Place or Perſon within the ſame, under the Proviſions of this Act, at any preceding Aſſizes for ſuch County, County of a City or Town, (or Preſenting Term if for the County of *Dublin*), and as ſhall not have been previouſly paid and accounted for by ſuch Treaſurer, nor unleſs it ſhall appear by ſuch Account, that no Part of the Monies received by him on account of ſuch Fines remains in his Hands unapplied; except in Caſes where the ſame has not been demanded of him, or at his Office, by the Perſons entitled to receive the ſame; all which Caſes ſhall be verified by the ſaid Treaſurer on Oath; and except in Caſes where it ſhall appear that an Information has been lodged againſt the Seizing Officer for fraudulent Practices, in any which Caſe it ſhall be lawful for the ſaid Treaſurer to withhold the ſaid Sum or Sums ſo claimed by the ſaid Officer, until ſuch Information ſhall be tried or otherwiſe diſpoſed of; and in caſe the ſaid Seizing Officer ſhall be convicted thereon, ſuch Treaſurer ſhall pay over every ſuch Sum and Sums to the Churchwardens of ſuch Pariſh, or to ſome one Inhabitant of ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, to be diſtributed to and among the Landholders and Inhabitants of ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, in the Shares and Proportions paid by them reſpectively on account of ſuch Fines.

Exceptions.

Treaſurer ſued for any Share of any Fine, ſhall be ſubject to Treble Coſts.

XXVIII. And be it further enacted, That if any Action or Suit ſhall at any Time be brought or commenced againſt any Treaſurer of any County, County of a City or County of a Town in *Ireland*, by any Officer of Exciſe, or by any other Perſon or Perſons, or by or on Behalf of the Governors of the Public Infirmary or Hoſpital of any County, Town, or City, or by or on Behalf of the Society for diſcountenancing Vice and promoting Virtue, or by or on Behalf of His Majeſty, His Heirs or Succeſſors, for any Share or Proportion of any ſuch Fines impoſed under the Direction of this Act, which ſuch Officer or Perſon, or Governors of ſuch County

Infirmary

Infirmary or Hoſpital, or Society, or which His Majeſty, His Heirs or Succeſſors, may by Law be entitled to receive or recover, or for any Coſts which ought by Law to be paid by ſuch Treaſurer out of any Money in his Hands ariſing from any ſuch Fine; and if the Plaintiff in ſuch Action ſhall obtain a Verdict or Judgement againſt ſuch Treaſurer, ſuch Plaintiff ſhall be entitled to his or their Treble Coſts, to be awarded againſt ſuch Treaſurer, and to be recovered in ſuch Manner as Coſts may by Law be recovered againſt any Defendant.

Collectors ſhall not receive Poundage or Wages, unleſs they have collected all Fines.

XXIX. And be it further enacted, That from and after the Commencement of this Act, it ſhall not be lawful for any Court or Judge, at any Aſſizes (or at any Preſenting Term, if in the City of *Dublin*), to diſcharge any Quere on any Preſentment for any Poundage or Wages of any Collector, or High Conſtable acting as a Collector, for any Barony, Half Barony, or County of a City, or County of a Town; or to allow in the Accounts of the Treaſurer of any County, County of a City or Town, any Sum of Money on account of any Poundage or Wages of any ſuch Collector or High Conſtable; nor ſhall any ſuch Collector or High Conſtable, in his Accounts with the Treaſurer of the Sums levied by him, detain, keep, or claim Credit to his own Uſe, for any Sum, by way of Poundage or Wages, for any Money which he ſhall have collected ſince the preceding Aſſizes or Preſenting Term, unleſs ſuch Treaſurer ſhall certify to the Court, under his Hand, that ſuch Collector or High Conſtable has, before the Commiſſion Day of ſuch Aſſizes (or the Firſt Day of ſuch Preſenting Term) collected, and that ſuch Collector has at ſome Time during ſuch Aſſizes or Preſenting Term paid to ſuch Treaſurer the full Amount of all ſuch Fines impoſed on any Pariſh, Townland, Manor, or Lordſhip under this Act, as ſuch Collector ſhall have been authorized or required to collect by any Warrant of any ſuch Treaſurer, which ſhall have been iſſued at any Time after the Aſſizes or Preſenting Term then next preceding: Provided always, that every ſuch Collector or High Conſtable, who ſhall have duly collected and paid the full Amount of all ſuch Fines as aforeſaid, ſhall be entitled to receive, and be allowed ſuch and the like Poundage on the Collection of ſuch Fines, as ſuch Collector or High Conſtable is by Law entitled to receive or be allowed, for the Collection of any Money levied under any Preſentment of any Grand Jury.

Collector may receive Poundage on Fines duly levied by him.

No Money ſhall be applied to public Purpoſes in any Barony (except Mail Coach Roads, &c.) until all Fines under this Act are duly levied.

XXX. And be it further enacted, That from and after the Commencement of this Act it ſhall not be lawful for any Court or Judge at any Aſſizes or Preſenting Term, to order the Diſcharge of any accounting Affidavit, or to fiat or otherwiſe authoriſe the Payment or Application of any Sum of Money upon or in purſuance of any ſuch Affidavit, for the making or repairing of any Road, or for the building or repairing of any Bridge (other than and except only a Mail Coach Road, and any Bridge or Bridges thereon), or for the building or repairing of any Seſſions Houſe or other public Building, or for the performing or carrying on any public Building or other public Work whatſoever, (other than and except only Gaols and Hoſpitals or Infirmaries), in any Barony or Half Barony, or in any City or Town within which any Pariſh, Townland, Place, Diſtrict, or Diviſion ſhall be ſituate, on which any Fine or Fines ſhall have been impoſed under this Act, at any previous Aſſizes or Preſenting Term, unleſs and until it ſhall be made appear to the Satisfaction of ſuch Court

or Judge, on ſuch Evidence on Oath or otherwiſe as ſuch Court or Judge ſhall think fit to require, that all and every ſuch Fines or Fine have been duly and fully levied upon and off ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion reſpectively; any Act or Acts to the contrary in anywiſe notwithſtanding: Provided always, that whenever it ſhall be made appear to ſuch Court or Judge, that the whole of the Sums which ſhall have been levied on any ſuch Pariſh, Townland, Place, Diſtrict or Diviſion, by virtue or in purſuance of any Preſentment of any Grand Jury, for any Roads, Bridges, or other public Works whatever, within ſuch Pariſh, Townland or other Diviſion, ſhall be equal to or greater than the Sums which ought by Law to have been levied on or off ſuch Pariſh, Townland, Diſtrict or Diviſion, on Account of ſuch Fine or Fines impoſed under this Act, as ſhall not have been duly and fully levied therein, it ſhall be lawful for the ſaid Court or Judge to order and direct that the Amount of all Sums ſo levied on ſuch Pariſh, Townland, Diſtrict or Diviſion, or ſo much thereof as ſhall be requiſite, ſhall be applied in Payment and Satisfaction of all or any ſuch Fines or Fine, and that the ſame ſhall be paid, applied, and diſtributed accordingly; and the ſame ſhall be paid, applied, and diſtributed accordingly, by the Treaſurer of the County, City, or Town, within which ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, ſhall be ſituate; and the Remainder (if any) of the Sums levied under or in purſuance of ſuch Preſentments, ſhall be applicable to the Purpoſes of ſuch Preſentments; and then and in ſuch Caſe, but not otherwiſe, it ſhall be lawful for ſuch Court or Judge to diſcharge ſuch accounting Affidavits as aforeſaid, and to fiat or authorize the Payment and Application of the ſeveral Sums of Money upon or in purſuance of ſuch Affidavits, as ſuch Court or Judge might have done, if this Act had not been had or made.

Whenever the Sum raiſed in any Pariſh, &c. is equal to the Sums leviable for Fines therein, it ſhall be applied in Payment of ſuch Fines, and then the other Sums may be applied to the public Purpoſes of the Barony.

Penalties on Perſons placing unlicenſed Still, or guilty of any fraudulent Practice, whereby Townlands, &c. ſhall become liable to Fines.

XXXI. And be it further enacted, That if any Perſon whatever (other than a Revenue Officer) ſhall leave in or bring into or place in any Houſe or Place whatever, any unlicenſed Still, or any Part of a Still, or Appendage to a Still, or any Worm or other Utenſil for diſtilling Spirits, or any Waſh, Pot Ale, Low Wines, or Singlings, or ſhall be guilty of any other Colluſion or fraudulent Practice whatever, whereby any Pariſh, Townland, Place, Diſtrict, or Diviſion, or any Houſe or Houſes, or any Perſon or Perſons in ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, ſhall or may be or become liable to the Payment of any Fine or Penalty whatever under this Act, every Perſon ſo offending ſhall forfeit the Sum of Five hundred Pounds, to be paid to the Perſon ſuing for the ſame; and in caſe ſuch Perſon ſhall be an Inhabitant of ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, the Money ſo recovered ſhall be by him applied in Repayment to and among himſelf and the other Landholders and Inhabitants of ſuch Pariſh, Townland, Place, Diſtrict or Diviſion, in the Shares and Proportions paid by them reſpectively on account of ſuch Fine, in ſuch Manner as the Judge or Court, before whom ſuch Penalty ſhall be recovered, ſhall order and direct: Provided always, that no ſuch Penalty ſhall be recovered by more than One Perſon, on account of One and the ſame Offence; and that if more Perſons than One ſhall proceed for ſuch Penalty, the ſame ſhall be recovered by the Perſon who ſhall have firſt proceeded for the ſame, in Manner herein-after mentioned and directed.

XXXII. And

XXXII. And be it further enacted, That if any Perſon who is or ſhall be an Officer appointed by or acting under the Commiſſioners of Inland Exciſe and Taxes, or the Commiſſioners of Cuſtoms and Port Duties in *Ireland*, ſhall be guilty of any Colluſion or fraudulent Practice whatever, whereby any Pariſh, Townland, Place, Diſtrict or Diviſion, or any Houſe or Perſon, within ſuch Pariſh, Townland, Place, Diſtrict or Diviſion, ſhall become liable to the Payment of any ſuch Fine under this Act, every ſuch Perſon ſo offending ſhall forfeit the Sum of Five hundred Pounds, to be paid and applied in ſuch Manner as is herein-before directed by this Act with reſpect to the Penalty of Five hundred Pounds againſt any Perſon, other than a Revenue Officer committing a like Offence; and ſuch Officer ſo found guilty, ſhall be and he is hereby rendered and declared to be for ever incapable of holding any Office or Employment whatſoever, Civil or Military, under His Majeſty, His Heirs and Succeſſors, or under any Authority derived from His Majeſty, His Heirs or Succeſſors.

Penalty on Officer for Colluſion to fine Townlands, 500*l.*

XXXIII. And for the Recovery of the ſaid reſpective Penalties of Five hundred Pounds, be it enacted, That it ſhall and may be lawful for any Perſon liable to pay any Grand Jury Ceſs in the Pariſh, Townland, Place, Diſtrict, or Diviſion, upon which, or upon any Houſe or Perſon within which any Fine or Penalty is to be impoſed in conſequence of any ſuch Colluſion or fraudulent Practice, to appear at the Aſſizes or Preſenting Term, at which any ſuch Fine or Penalty is to be impoſed on ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion, or on any Houſe or Perſon within the ſame, or at any ſubſequent Aſſizes, and there to prove the Fact of ſuch Colluſion or fraudulent Practice; and the Court, at ſuch Aſſizes or Preſenting Term, ſhall try, and ſuch Court is hereby required to try the Fact or Facts ſo offered to be proved, in the ſame Manner as the Traverſe to any Preſentment of a Grand Jury is or ought to be tried; and if the Fact of ſuch Colluſion or fraudulent Practice ſhall be proved, ſuch Court ſhall give Judgment for the Recovery of the ſaid Sum of Five hundred Pounds againſt the Officer or Perſon ſo found guilty of ſuch Colluſion or fraudulent Practice, and ſhall ſentence the Officer or Perſon ſo guilty to the Payment of the ſaid Sum of Five hundred Pounds to the Perſon ſo proceeding for the Recovery of the ſame; and it ſhall be lawful for the ſaid Court to order and direct that the Officer or Perſon ſo found guilty, ſhall be forthwith committed to the Common Gaol or Houſe of Correction of the County, County of a City, or County of a Town, and there be impriſoned for the Space of Twelve Calendar Months, unleſs ſuch Fine or Penalty ſhall be ſooner paid or ſatisfied.

How ſuch Penalties of 500*l.* may be recovered.

XXXIV. And be it further enacted, That from and after the Commencement of this Act, if any Perſon whatſoever ſhall inſure, or take or agree to take, or receive any Sum of Money, or Security for Money, or Depoſit for the Inſurance of, or be in any way concerned in any Partnerſhip, Fellowſhip Club, Office or Society for the Inſurance or Indemnity, of any Pariſh, Townland, Place, Diſtrict or Diviſion, or of any Perſon or Perſons, againſt or from the paying of any Money for or towards the diſcharging of any Fine which may be impoſed on any Pariſh, Townland, Place, Diſtrict or Diviſion, or on any of the Inhabitants thereof, under this Act; or if any Perſon or Perſons ſhall pay or give, or cauſe to be paid or given

Penalty on Perſons inſuring againſt Fines on Pariſhes, &c. Miſdemeanor.

to any other Perſon or Perſons, any Money, or any Security, Obligation or Undertaking to pay any Money, or ſhall make any Depoſit with ſuch Perſon or Perſons, as an Indemnity or Security againſt, or to be applied in the Payment and Satisfaction of any ſuch Fine, or in any way to indemnify ſuch Pariſh, Townland, Place, Diſtrict or Diviſion, or the Inhabitants thereof, or any of them, againſt the Payment of any ſuch Fine or any Part thereof, then and in every ſuch Caſe every Perſon concerned or engaged in any ſuch Inſurance or other Tranſaction aforeſaid, as well the Perſon who ſhall ſo inſure, or who ſhall pay any Depoſit, as the Perſon who ſhall accept, take, or receive any ſuch Sum of Money or Depoſit, or any ſuch Security, Obligation, Undertaking, or Indemnity as aforeſaid, ſhall be deemed and taken to be guilty of a Miſdemeanor; and it ſhall be lawful for any Juſtice of the Peace, reſiding near to the Place where ſuch Offence ſhall be committed, on Information on Oath of any ſuch Offence, to iſſue his Warrant for the Apprehenſion of ſuch Perſon, and on Examination into the Complaint, to commit ſuch Perſon to Gaol, there to remain until delivered by due Courſe of Law; and in Caſe any Indictment ſhall be found againſt ſuch Perſon, ſuch Perſon ſhall plead thereto, without having Time to traverſe the ſame; and it ſhall be lawful for the Court by and before whom ſuch Perſon ſhall be tried and convicted, to inflict ſuch Puniſhment on any ſuch Perſon as may by Law be inflicted on Perſons guilty of Miſdemeanors.

Pariſhes in Veſtry may appoint Inſpectors to proſecute for Offences in illegal Diſtillation, &c.

XXXV. And whereas it may tend to the Suppreſſion of illicit Diſtillation, if Pariſhes were allowed to appoint certain Perſons for the Purpoſe of diſcovering and preventing ſuch Practices; be it enacted, That from and after the Commencement of this Act, it ſhall and may be lawful for the Churchwardens of any Pariſh, at the Deſire of any Two Inhabitants of ſuch Pariſh, to convene a Veſtry for the Purpoſe of electing One or more Perſon or Perſons, for the Purpoſe of diſcovering and proſecuting all Offences againſt any Act or Acts in force in *Ireland*, for the regulating and ſecuring the Collection of the Duty on Spirits in *Ireland*, of which Ten Days Notice ſhall be given.

Oath of Inſpectors.

XXXVI. And be it further enacted, That all Perſons ſo choſen, and who ſhall conſent to act, ſhall take the following Oath before any one Magiſtrate or Juſtice of Peace; which Oath ſuch Magiſtrate or Juſtice of Peace is hereby empowered to adminiſter:

'I *A. B.* do ſwear, That ſo long as I ſhall hold the Office to which I have been elected, for the Pariſh of
'I will uſe my utmoſt Endeavours to prevent and ſuppreſs all illicit Diſtillation of Spirits within the ſaid Pariſh, and to proſecute and convict any Perſon or Perſons concerned in ſuch Practices.
'So help me GOD.'

Pariſhes may raiſe 20 l. a Year for Inſpectors, &c.

XXXVII. And be it further enacted, That it ſhall and may be lawful for the Pariſhioners of ſuch Pariſh in Veſtry ſo aſſembled, to aſſeſs ſuch Pariſh to the Amount of any Sum not exceeding Twenty Pounds in any One Year, to be applied in the indemnifying of ſuch Inſpectors for their Trouble and Expence; and alſo for the Purpoſe of carrying into Execution this preſent Act, and all other Acts for the Prevention and Suppreſſion of illicit Diſtillation in *Ireland*.

XXXVIII. And be it further enacted, That this Act shall commence and be in force and take effect from and after the Twenty-ninth Day of *September* next ensuing the passing thereof, and not sooner. Commencement of Act.

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