ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

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C A P. LXXVII.

An Act to amend an Act of the Fifty-third Year of His prefent Majefty, for repealing the Duties payable on the Importation of Wine, the Produce of the *Cape of Good Hope*, and its Dependencies, and charging other Duties in lieu thereof.

[28th *June* 1814.]

WHEREAS the Duties impofed by an Act made in the laft Seffion of Parliament, intituled *An Act for repealing the Duties payable on the Importation of Wine, the Produce of the* Cape of Good Hope *and its Dependencies, and charging other Duties in lieu thereof,* 53 G. 3. c. 84. on Wine the Produce of His Majefty's Settlement of the *Cape of Good Hope*, or of the Territories or Dependencies thereof, imported into this Kingdom, are much lower than the Duties by Law impofed on Wine, other than *French* Wine, and the Difference of the faid Duties may afford a Temptation to ill-difpofed Perfons to import other Wine under Pretence that the fame is Wine the Produce of the faid Settlement, or of the Territories or Dependencies thereof; For the Prevention whereof it is expedient to make fuch Provifion as is herein-after mentioned: Be it therefore enacted by the King's moft Excellent Majefty, by and with the Advice and Confent of the Lords Spiritual and Temporal, and Commons, in this prefent Parliament affembled, and by the Authority

 of

Affidavit of the particular Deſcription of Wine to be delivered to the Cuſtom Houſe Officer at the Shipping of ſuch Wine at the Cape of Good Hope, &c.

of the ſame, That from and after the Firſt Day of *November* One thouſand eight hundred and fourteen, any Perſon or Perſons loading on board any Ship or Veſſel in His Majeſty's Settlement of the *Cape of Good Hope*, or in the Territories or Dependencies thereof, any Wine as of the Produce of the ſaid Settlement, Territories, or Dependencies, ſhall, before the clearing out of ſuch Ship or Veſſel, produce and deliver to the Collector or other Principal Officer of the Cuſtoms at the loading Port an Affidavit, ſigned and ſworn to before ſome Juſtice of the Peace in the ſaid Settlement, Territories, or Dependencies, either by the Grower, Maker, or Shipper of ſuch Wine, or his or their known Agent or Factor, expreſſing, in Words at Length and not in Figures, whether the ſame is Red Wine or White Wine, and the particular Name by which ſuch Wine is there commonly called or known, with the Number and Denomination of the Packages, ſpecifying ſuch Wine to be of the Produce of His Majeſty's Settlement of the *Cape of Good Hope*, or of the Territories or Dependencies thereof, to the beſt of his Knowledge and Belief, and in which Affidavit the Perſon who brought or procured ſuch Wine from ſuch Grower or Maker ſhall join; which Affidavit ſhall be atteſted under the Hand of the ſaid Juſtice of the Peace to have been ſworn to in his Preſence, and ſuch Juſtice is hereby required ſo to atteſt the ſame without Fee or Reward; and the Collector or other Principal Officer of the Cuſtoms to whom ſuch Affidavit ſhall be delivered, ſhall thereupon, without Fee or Reward, grant to the Maſter or other Perſon having the Charge or Command of the Ship or Veſſel a Certificate under his Hand and Seal of Office of his having received ſuch Affidavit, purſuant to the Directions of this Act; which Certificate ſhall expreſs whether the ſaid Wine ſhipped on board ſuch Ship or Veſſel is Red Wine or White Wine, and the Name by which the ſame is there commonly called or known, with the Number and Denomination of the Packages in which the ſame ſhall be ſhipped and contained; and ſuch Collector or other Principal Officer of the Cuſtoms ſhall alſo (without Fee or Reward), within Ten Days after the ſailing of the Ship or Veſſel, tranſmit an exact Copy of the ſaid Affidavit to the Secretary's Office for the ſaid Settlement, on Forfeiture of Twenty Pounds: Provided always nevertheleſs, that if at any Time there ſhall not be any Juſtice of the Peace at the ſaid Settlement, or at any of the Territories or Dependencies thereof, where any Wine the Produce of the ſaid Settlement, Territories, or Dependencies ſhall be loaded, then and in ſuch Caſe it ſhall and may be lawful for the Grower, Maker or Shipper of ſuch Wine, or his or their known Agent or Factor, to make ſuch Affidavit before the Collector and Comptroller, or other Chief Officer of the Cuſtoms, or any Two of them, at the Port or Place from whence ſuch Wine ſhall be loaded on board the Ship or Veſſel, (which Affidavit ſuch Collector and Comptroller, or other Chief Officer, or any Two of them, are hereby authorized and required to take); and in the Certificate which the Collector or other Principal Officer of the Cuſtoms ſhall grant to ſuch Maſter or other Perſon, ſuch Collector or other Principal Officer ſhall alſo certify that there is not any Juſtice of the Peace reſident at the ſaid Settlement, or the Territory or Dependency thereof, where ſuch Wine ſhall have been ſo loaded; and upon the Importation of ſuch Wine, the ſame ſhall be admitted to Entry at the Low Duty to which ſuch Wine would have been liable if this Act had not been made; any Thing herein-before contained to the contrary in anywiſe notwithſtanding.

II. And

Certificate of such Affidavit to be produced at the Port of Diſcharge.

II. And be it further enacted, That upon the Arrival of ſuch Ship or Veſſel into the Port of her Diſcharge, either in *Great Britain*, or any other Part of His Majeſty's Dominions where ſuch Goods may be lawfully imported, the Maſter or other Perſon taking the Charge or Command of the ſaid Ship or Veſſel ſhall, at the Time of making his Report of his Cargo, deliver the ſaid Certificate to the Collector or other Principal Officer of the Cuſtoms, and make Oath before him that the Goods ſo reported are the ſame that are mentioned in the ſaid Certificate, on Forfeiture of One hundred Pounds; and if any ſuch Wine ſhall be imported or found on board any Ship or Veſſel for which no ſuch Certificate ſhall be produced, or which ſhall not agree therewith, or which ſhall not be imported directly from the ſaid Settlement, Territories, or Dependencies, the ſame ſhall be deemed and taken to be Foreign Wine, not of the Produce of His Majeſty's Settlement of the *Cape of Good Hope*, or of the Territories or Dependencies thereof, and ſhall be liable to the ſame Duties, Reſtrictions, Regulations, Penalties, and Forfeitures, in all Reſpects, as Wine, other than *French* Wine imported, would reſpectively be liable to by Law: Provided always, that if any Wine ſhall be imported into *Great Britain* directly from the ſaid Settlement, or the Territories or Dependencies thereof, without being included in ſuch Certificate as herein-before directed, and it ſhall be made appear to the Satisfaction of the Commiſſioners of the Cuſtoms or Exciſe in *England* and *Scotland* reſpectively, or any Three or more of them reſpectively, that the Wine is really and truly the Produce of the ſaid Settlement, Territories, or Dependencies, and that no Fraud was intended, then and in ſuch Caſe it ſhall and may be lawful for the ſaid reſpective Commiſſioners, or any Three or more of them reſpectively, to permit the ſaid Wine to be entered, upon Payment of the Low Duty of Cuſtoms or Exciſe (as the Caſe may require) to which ſuch Wine would have been liable if this Act had not been made; any Thing herein-before contained to the contrary in anywiſe notwithſtanding. Proviſo.

Penalty on landing Wine as the Produce of the Cape that is not ſo.

III. And be it further enacted, That if the Importer, Proprietor, or Conſignee, Importers, Proprietors, or Conſignees of any Foreign Wine other than Wine the Produce of the ſaid Settlement, Territories, or Dependencies, ſhall enter or land the ſame, or cauſe, procure, permit, or ſuffer the ſame to be entered or landed as or for Wine the Produce of the ſaid Settlement, Territories, or Dependencies, the ſame ſhall be forfeited, and the Importer or Importers, Proprietor or Proprietors, Conſignee or Conſignees, knowingly entering or landing, or knowingly cauſing, procuring, permitting, or ſuffering to be entered or landed, any Foreign Wine, other than Wine the Produce of the ſaid Settlement, Territories, or Dependencies, as or for Wine the Produce of the ſaid Settlement, Territories, or Dependencies, ſhall forfeit and loſe for every ſuch Offence the Sum of Three hundred Pounds.

Red Wine to be kept ſeparate from White Wine by Dealers.

IV. And be it further enacted, That all and every Dealer or Dealers in or Seller or Sellers of Foreign Wine ſhall keep all Red Wine in his, her, or their Cuſtody or Poſſeſſion, the Produce of the Settlement of the *Cape of Good Hope*, or other Settlement, Territories, or Dependencies thereof, ſeparate and apart, and in ſeparate Bins, Caſks, Bottles,

Jars, Veſſels, Utenſils, Piles, Parcels, and Diviſions, from all other Wine, and ſhall alſo in like Manner keep all White Wine in his, her, or their Cuſtody or Poſſeſſion, the Produce of the ſaid Settlement, Territories, or Dependencies, ſeparate and apart, and in ſeparate Bins, Caſks, Bottles, Jars, Veſſels, Utenſils, Piles, Parcels, and Diviſions, from all other Wine, upon Pain of forfeiting for every ſuch Offence the Sum of Fifty Pounds.

Wine of the Produce of the Cape of Good Hope to be kept ſeparate from other Foreign Wine in Manner directed by 26 G. 3. c. 59.

V. And be it further enacted, That all and every Dealer or Dealers in or Seller or Sellers of Foreign Wine, ſhall ſpecify and diſtinguiſh all Wine in his, her, or their Cuſtody or Poſſeſſion, the Produce of the ſaid Settlement, Territories, or Dependencies, from all other Wine, in ſuch and the like Manner as he, ſhe, or they is or are by an Act made in the Twenty-ſixth Year of His preſent Majeſty's Reign, intituled *An Act for repealing certain Duties now payable on Wines imported, and for granting new Duties in lieu thereof, to be collected under the Management of the Commiſſioners of Exciſe*, directed or required to ſpecify or diſtinguiſh Foreign Wine, other than *French* Wine, from *French* Wine, and ſhall in like Manner ſpecify and diſtinguiſh all Red Wine in his, her, or their Cuſtody or Poſſeſſion, the Produce of the ſaid Settlement, Territories, or Dependencies, from all White Wine in his, her, or their Cuſtody or Poſſeſſion, the Produce of the ſaid Settlement, Territories, or Dependencies, in ſuch and the like Manner as he, ſhe, or they is or are by the ſaid laſt-mentioned Act directed or required to ſpecify or diſtinguiſh *French* White Wine from *French* Red Wine, under, ſubject, and according to the ſeveral Rules, Regulations, Reſtrictions, and Proviſions, Fines, Penalties, and Forfeitures, in or by the ſaid Act contained, provided, ſettled, or eſtabliſhed for the ſpecifying or diſtinguiſhing Foreign Wine, other than *French* Wine, from *French* Wine, or *French* Red Wine from *French* White Wine, as the Caſe may require; and the ſaid ſeveral Rules, Regulations, Reſtrictions, and Proviſions, Fines, Penalties, and Forfeitures reſpectively, ſhall be uſed, applied, practiſed, and put in Execution with reſpect to all Wine in the Cuſtody or Poſſeſſion of ſuch Dealer or Dealers, or Seller or Sellers, the Produce of the ſaid Settlement, Territories, or Dependencies.

Permits for Removal to diſtinguiſh the Wine.

VI. And be it further enacted, That every Permit to be granted or given for the Removal of any Wine the Produce of the ſaid Settlement, Territories, or Dependencies, ſhall diſtinguiſh ſuch Wine from all other Wine according to the Denomination thereof ſpecified in the Requeſt Note, according to the Directions of the ſaid Act made in the Twenty-ſixth Year aforeſaid, and this Act.

Stock to be taken in manner herein deſcribed.

VII. And be it further enacted, That if any Officer or Officers of Exciſe ſhall at any Time or Times diſcover or find that the Quantity of Red Wine or White Wine, the Produce of the ſaid Settlement, Territories, or Dependencies, in the Stock of any Dealer or Dealers in or Seller or Sellers of Foreign Wine, added to the Quantity for which Permits ſhall have been granted ſince the laſt Account was taken of ſuch Stock, and alſo to the Quantity or Quantities ſold, ſent out, or conſumed in ſmall Quantities under Three Gallons, ſince ſuch laſt Account was taken, and for which proper Entries ſhall appear to be made in the Book for entering

 therein,

therein, ſuch Wine as ſhall be ſold, conſumed, or ſent out, in ſmall Quantities under Three Gallons, exceeds the Stock left in Hand on the taking of ſuch laſt Account added to the Quantity of ſuch Wine ſince received by Permit, the Quantity of Wine ſo found in Exceſs, whether the ſame ſhall be mixed or mingled, or unmixed or unmingled, ſhall be deemed and taken to be made by Wine for which no Duty has been paid, and which had been privately brought in by ſuch Dealer or Dealers, or Seller or Sellers, without Permit, and a Quantity equal to the Quantity of Wine ſo found in Exceſs ſhall be forfeited and loſt, and ſhall and may be ſeized and taken by the Officer or Officers of Exciſe who ſhall diſcover the ſame, from and out of the ſaid Stock or Stocks in which ſuch Quantity of Wine ſhall be found in Exceſs, and the Perſon or Perſons, in whoſe Stock ſuch Quantity of Wine ſo found in Exceſs ſhall be diſcovered or found, ſhall alſo forfeit Double the Value of the Quantity of Wine ſo found in Exceſs.

Penalty for mixing Wine.

VIII. And be it further enacted, That if any Dealer or Dealers in or Seller or Sellers of Foreign Wine ſhall mix or mingle any Red Wine or White Wine in his, her, or their Cuſtody or Poſſeſſion, of the Produce of the ſaid Settlement, Territories, or Dependencies, with or among any other Wine, or ſhall give Notice to any Officer or Officers of Exciſe to have packed, or ſhall enter for Exportation, any Red Wine or White Wine the Produce of the ſaid Settlement, Territories, or Dependencies, mixed or mingled with any other Wine, then and in ſuch Caſe the Dealer or Dealers or Seller or Sellers ſo offending ſhall, for each and every ſuch Offence, forfeit and loſe the Sum of Three hundred Pounds, and all the Wine ſo mixed or mingled ſhall be forfeited.

Penalties how to be recovered.

IX. And be it further enacted, That all Fines, Penalties, and Forfeitures impoſed by this Act, and incurred in *Great Britain*, ſhall be ſued for, recovered, levied, or mitigated, by ſuch Ways, Means, or Methods, as any Fine, Penalty, or Forfeiture may be ſued for, recovered, levied, or mitigated, by any Law or Laws of Exciſe, or by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Exchequer in *Scotland* reſpectively; and that One Moiety of every ſuch Fine, Penalty, or Forfeiture, ſhall be to His Majeſty, His Heirs and Succeſſors, and the other Moiety to him or them who ſhall inform, diſcover, or ſue for the ſame.

Powers of former Acts extended to this Act. 12 Car. 2. c. 24.

X. And be it further enacted, That all and every the Powers, Directions, Rules, Penalties, Forfeitures, Clauſes, Matters, and Things, which, in and by an Act made in the Twelfth Year of the Reign of King *Charles* the Second, intituled *An Act for taking away the Court of Wards and Liveries, and Tenures* in Capite, *and by Knights Service and Purveyance, and for ſettling a Revenue upon His Majeſty in lieu thereof*, or in or by the ſaid Act made in the Twenty-ſixth Year of His preſent Majeſty's Reign, or by any other Law now in force relating to His Majeſty's Revenue of Exciſe upon Beer, Ale, and other Liquors, are provided and eſtabliſhed for managing, raiſing, levying, collecting, mitigating, or recovering, adjudging, or aſcertaining the Duties thereby granted, or any of them, or for preventing, detecting, or puniſhing Frauds relating thereto, (other than and in ſuch Caſes

for which other Penalties or Provisions are made and prescribed by this Act), shall be practised, used, and put in Execution in and for the Purposes of this Act, as fully and effectually, to all Intents and Purposes, as if all and every the said Powers, Rules, Directions, Penalties, Forfeitures, Clauses, Matters, and Things, were particularly repeated and re-enacted in this present Act.

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