ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

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C A P. CLI.

An Act to amend the Laws for impoſing and levying of Fines, in reſpect of unlawful Diſtillation of Spirits in *Ireland*. [11th *July* 1815.]

WHEREAS it is expedient to provide for the better and more ſpeedy Collection of Fines upon Townlands and other Places in *Ireland*, in reſpect of the unlawful Diſtillation of Spirits, and to make further Proviſions for the Suppreſſion of illicit Diſtillation in *Ireland*; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Commencement of this Act, ſo much and ſuch Parts of an Act made in the laſt Seſſion of Parliament, intituled *An Act to conſolidate and amend the Regulations contained in ſeveral Acts of Parliament for impoſing and levying of Fines upon Pariſhes, Townlands, and other Places, in reſpect of the unlawful Diſtillation of Spirits in* Ireland, or of any other Act or Acts in force in *Ireland* immediately before the Commencement of this Act, whereby it is enacted or provided, that any ſuch Fine ſhall be impoſed or levied on any Pariſh at large within which the Place ſhall be ſituate where any Offence ſhall be committed in reſpect of any unlicenſed Still or Part of a Still, or any Appendage to a Still, or any Worm or any Utenſil for diſtilling Spirits, or any Waſh, Pot Ale, Low Wines or Singlings, found or uſed in ſuch Place, ſhall be and the ſame is and are hereby repealed; and that from and after the Commencement of this Act, all and every ſuch Fines and Fine in reſpect of any ſuch Offence, ſhall be impoſed and levied

So much of 54 G.3.c.150. &c. as impoſe Fines on Pariſhes at large, repealed.

Fines ſhall in future be levied on Townlands, &c.

levied upon any Townland, Quarterland, Ballybow, or other Place, Diſtrict, or Diviſion whatever (other than a Pariſh at large) within which ſuch Place ſhall be ſituate, and on which, under all the Circumſtances of the Caſe, it ſhall appear expedient to the Court at any Aſſizes or Preſenting Term, that any ſuch Fine ſhould be impoſed and levied, any Clauſe, Matter or Thing in the ſaid recited Act, or in any other Act or Acts relating to the impoſing or levying of ſuch Fines on any Pariſh at large, to the contrary in anywiſe notwithſtanding: Provided always, that all and every ſuch Fines and Fine which may have been impoſed on any Pariſh at large, at any Time before the Commencement of this Act, and all Arrears thereof reſpectively, which ſhall not have been fully levied before the Commencement of this Act, ſhall be levied and paid under the Proviſions of the ſaid recited Acts, as fully and effectually to all Intents and Purpoſes as if this Act had not been had or made.

Proviſo for Fines heretofore impoſed on Pariſhes.

Recital of 55 G. 3. c. 12. empowering Commiſſioners of Exciſe to appoint Collectors of Fines;

II. And whereas by an Act made in the preſent Seſſion of Parliament, intituled *An Act to amend ſeveral Acts relating to Fines in reſpect of unlawful Diſtillation in* Ireland, *to the Warehouſing of Spirits, and to the ſecuring the Duties of Exciſe on Spirits diſtilled, and on Hides and Skins tanned in* Ireland, it is enacted and provided, for the Purpoſe of preventing any Neglect or Delay in the Collection and Diſtribution of Fines impoſed under the Acts for the preventing of the illicit Diſtillation of Spirits in *Ireland*, that it ſhall be lawful for the Commiſſioners of Inland Exciſe and Taxes to appoint Perſons for the collecting and levying ſuch Fines; and it is therefore expedient, that ſo much and ſuch Parts of the ſaid recited Acts of the laſt Seſſion and this preſent Seſſion of Parliament ſhould be repealed, whereby it is provided or enacted, that it ſhall not be lawful for any Court or Judge at any Aſſizes or Preſenting Term or Quarter Seſſions, to fiat or otherwiſe authorize the Payment or Application of any Sum of Money, for the making or repairing of any Road, or the building or repairing of any Bridge, 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 (except as in the ſaid Act of the laſt Seſſion of Parliament is excepted) in any Barony, Half-Barony, 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 the ſaid Act, until all and every ſuch Fines or Fine impoſed at any previous Aſſizes or Preſenting Term ſhall have been duly and fully paid; be it therefore further enacted, That from and after the Commencement of this Act, all and every the Proviſions and Regulations, Clauſe and Clauſes, in the ſaid recited Acts or either of them contained, whereby the Court or Judge at any Aſſizes or Preſenting Term or Quarter Seſſions, is or are prohibited or prevented or reſtrained from ordering the Diſcharge of any accounting Affidavit, or from fiating or authorizing the Payment of any Money for any of the Purpoſes aforeſaid, until all ſuch Fines ſhall have been duly levied as aforeſaid, and all Matters and Things in the ſaid recited Acts relative to ſuch Prohibition or Prevention or Reſtraint as aforeſaid, ſhall be and the ſame are hereby repealed.

54 G. 3. c. 150. and 55 G. 3. c. 12. prohibiting the applying Money to Public Purpoſes until all Fines are duly levied;

Repealed.

All Sums retained in Treaſurer's Hands to

III. Provided always, and be it enacted, That whenever the Court or Judge at any Aſſizes or Preſenting Term before the Commencement of this Act, ſhall have directed that the Amount of any Sums levied on any Pariſh,

Pariſh, Townland, Diſtrict, or Diviſion, by virtue or in purſuance of any Preſentment of any Grand Jury, for any Roads, Bridges, or other public Works whatever, ſhould be retained in the Hands of the Treaſurer of any County, County of a City or Town, for the Purpoſe of being applied in Payment or Satisfaction of all or any Fines or Fine which ought by Law to have been levied on or off ſuch Pariſh, Townland, Diſtrict, or Diviſion under the ſaid recited Act, or until ſuch Fines ſhould be duly levied; all ſuch Sums, or ſo much thereof as ſhall be requiſite, ſhall be applied in Payment and Satisfaction of all or any ſuch Fine or Fines, as at the Commencement of this Act ſhall not have been duly and fully levied upon and off ſuch Pariſh, Townland, Place, Diſtrict, or Diviſion reſpectively, and ſhall be paid, applied, and diſtributed accordingly, in Manner directed by the ſaid recited Act; any Thing in this preſent Act to the contrary in anywiſe notwithſtanding.

Anſwer Fines on Pariſhes, ſhall be applied in Payment of ſuch Fines as ſhall not have been fully levied, as directed by 54 G. 3. c. 150.

IV. And whereas it is expedient to make effectual Proviſions for the collecting and levying ſuch Fines, purſuant to the Power given to the ſaid Commiſſioners of Inland Exciſe and Taxes for that Purpoſe, in and by the ſaid herein-before recited Act of this preſent Seſſion of Parliament, and for the more effectual ſuppreſſing illicit Diſtillation in *Ireland*, by affording a ſufficient Number of Aſſiſtants to the Collectors of ſuch Fines, and to the Officers of Exciſe in the Execution of their Duty; be it therefore enacted, That whenever the ſaid Commiſſioners of Inland Exciſe and Taxes ſhall be of Opinion that it is neceſſary or expedient that ſuch Aſſiſtants ſhould be appointed in Manner herein-after mentioned, the ſaid Commiſſioners ſhall communicate ſuch Opinion to the Lord High Treaſurer of *Ireland*, or to the Commiſſioners for executing the ſaid Office of Lord High Treaſurer for the Time being; and upon receiving the Concurrence and Approbation of ſuch Lord High Treaſurer or Commiſſioners of the Treaſury, or any Three of them, the ſaid Commiſſioners of Inland Exciſe and Taxes ſhall cauſe Notice to be given under their Hands, or the Hands of any Three of them, by Publication in the *Dublin Gazette*, that it has been deemed expedient by the ſaid Lord High Treaſurer, or Commiſſioners of the Treaſury, upon the Repreſentation of the ſaid Commiſſioners of Inland Exciſe and Taxes, that ſuch Aſſiſtants ſhall be appointed within any County, County of a City or Town reſpectively, from and after ſuch Time as ſhall be mentioned in ſuch Notice.

When Commiſſioners of Exciſe deem it expedient that Aſſiſtants ſhould be appointed to Collectors and Exciſe Officers, they ſhall, with Concurrence of the Treaſury, give Notice thereof in the Dublin Gazette.

V. And be it further enacted, That after ſuch Notice ſhall have been given in the *Dublin Gazette* as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners of Inland Exciſe and Taxes to nominate and appoint by Writing under the Hands of the ſaid Commiſſioners, or any Three of them, (or under the Hand of any Collector of Exciſe for any Diſtrict, who ſhall be thereto ſpecially authorized in Writing under the Hands of the ſaid Commiſſioners, or any Three of them) one or more Perſon or Perſons to be aiding and aſſiſting to any Perſon or Perſons appointed by the ſaid Commiſſioners for the collecting and levying any ſuch Fines; and in like Manner to nominate and appoint any one or more Perſon or Perſons to be aiding and aſſiſting to any Exciſe Officer or Officers, or other Perſon or Perſons authorized to act or aſſiſt in enforcing the Law for the Suppreſſion of illicit Diſtillation; and all ſuch Perſons ſo appointed, ſhall accordingly be aiding and aſſiſting to ſuch Collector in the levying of ſuch Fines, and in doing all Matters and Things neceſſary or requiſite for the effectually levying

After ſuch Notice, Commiſſioners of Exciſe may appoint and pay Aſſiſtants to their Collectors in levying Fines; and alſo Aſſiſtants to Exciſe Officers in ſuppreſſing illicit Diſtillation.

levying and collecting such Fines according to Law, and shall also be aiding and assisting to such Excise Officer or Officers, or other Person or Persons in enforcing the Law for the Suppression of illicit Distillation, in such Manner as shall be required by such Collector, Officer, or other Person; and all and every Person and Persons who shall resist or oppose any such Collector, Excise Officer, or other Person or Persons aforesaid, or his or their said Assistants, in the Execution of their Duty under the said recited Acts or this Act, shall be and are hereby declared guilty of a Misdemeanor, and shall be proceeded against and punished accordingly, in like Manner as other Persons guilty of any Misdemeanor may be proceeded against and punished under any Act for the preventing of illicit Distillation in *Ireland*; and it shall be lawful for the said Commissioners of Inland Excise and Taxes, to pay or cause to be paid to such Assistants, such Sum and Sums of Money for their Trouble, as to the said Commissioners, with Approbation of the Lord High Treasurer of *Ireland*, or the Commissioners for executing the said Office, or any Three of them, shall seem fit, not exceeding the Sum of Five Shillings for each and every Day in which such Assistant shall be employed or engaged in such Service, together with the reasonable Expences incurred by such Collectors, Officers, or other Persons, and such their Assistants, in the Performance of such Duty.

On Appointment of Excise Collector of Fines, Powers of Baronial Collectors shall cease.

VI. And be it further enacted, That in all Cases whenever any Person shall be appointed by the Commissioners of Inland Excise and Taxes, for the collecting and levying any such Fines within any County, County of a City or Town in *Ireland*, all Powers of Baronial or other Collectors shall cease and determine, with respect to the levying such Fines as shall remain unlevied at the Time of such Appointment; and if any Baronial or other Collector or other Person, who immediately before such Appointment was empowered to levy any such Fine, shall refuse or neglect to deliver up all and every Warrant and Warrants in his Hands, which shall not have been fully executed, to the Person so appointed by such Commissioners, in Manner required by the said recited Act of the last Session of Parliament, then and in such Case all such Warrant and Warrants shall cease and determine, and be of no Force, Virtue, or Effect; and it shall be lawful for the Treasurer of the County, County of a City or Town, and he is hereby authorized and required, without Delay, to grant to the Person or Persons so appointed by the said Commissioners, and requiring the same, a new Warrant or Warrants, or Duplicate Warrant or Warrants, in which he shall insert the Name or Names of the Person or Persons so appointed by the Commissioners of Excise, for the collecting and levying of all such Fines as at the Time of such Appointment shall not have been duly and fully levied, or for the collecting and levying so much thereof as shall not then have been duly and fully levied; and in case any such Treasurer shall refuse to deliver up any Warrant, pursuant to the Directions of the said recited Act of this Session of Parliament, or to grant any new Warrant or Warrants, or Duplicate Warrant or Warrants, in Manner required by this Act, and such Refusal shall be proved to the Satisfaction of the Court or Judge at the Assizes for the County, County of a City or Town, it shall not be lawful for such Court or Judge to fiat any Presentment for the Salary of or for any Per-centage or Allowance payable to such Treasurer.

On Refusal by Baronial Collector to deliver up Warrants, Treasurer shall grant new Warrants to Excise Collector.

Declaring valid Agreements and

VII. And whereas it may have happened and may happen that certain Inhabitants of Districts or Places in *Ireland* on which Fines have been or

may be impoſed in reſpect of Offences againſt the Acts in force for the Suppreſſion of illegal Diſtillation in *Ireland*, or other Perſons, may for the Purpoſe of procuring Time to detect and proſecute the Perſons actually committing ſuch Offences, have undertaken and agreed, or may undertake and agree to pay the Amount of ſuch Fines, or Part thereof, to the Collectors or Perſons authorized to levy ſuch Fines, and may have given and entered into or may give and enter into Securities for the Payment of ſuch Fines, or Part thereof, to ſuch Collectors or other Perſons, and it is expedient to declare ſuch Agreements and Securities to be valid; be it therefore enacted, That every Contract, Agreement, or Undertaking, and every Bond, Bill, Note, or other Security which at any Time before the Commencement of this Act may have been, or which at any Time after the Commencement of this Act ſhall or may be made, given, or entered into by any Inhabitants or Inhabitant of, or any Proprietors or Proprietor of Lands within any Diſtrict or Place in *Ireland*, on which any Fine may have heretofore been or ſhall hereafter be actually impoſed in reſpect of any Offence againſt any Act or Acts in force for the Suppreſſion of illegal Diſtillation in *Ireland*, or by any other Perſon or Perſons whatſoever, for ſecuring the Payment to any Collector or Perſon authorized to levy any ſuch Fine or Fines, of any ſuch Fine or Fines, or any Part thereof, by any ſuch Inhabitant or Proprietor, or other Perſon or Perſons, on Behalf of all or any of the Perſons liable to the Payment of ſuch Fine or Fines within ſuch Diſtrict or Place, ſhall be and the ſame are hereby declared to be good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever; and all and every Sum and Sums of Money ſo contracted or agreed, or ſecured to be paid to any ſuch Collector or other Perſon, ſhall be paid to ſuch Collector or other Perſon at ſuch Time as ſhall be mentioned in any ſuch Contract, Agreement, Bond, Bill, Note, or other Security; or in Default of Payment thereof it ſhall be lawful for ſuch Collector or Perſon authorized to levy ſuch Fine or Fines, to levy the Amount of all and every ſuch Sums and Sum of Money upon the Perſon or Perſons who ſhall have contracted or agreed or given Security to pay the ſame, or upon any other Perſon or Perſons within the Diſtrict or Place on which ſuch Fine or Fines ſhall have been impoſed, or upon the Effects of any ſuch Perſon or Perſons, by all ſuch Ways, Means, and Methods, and with all ſuch Powers and Authorities as are given for the levying any ſuch Fine or Fines by this Act, or by any other Act or Acts in force for the Suppreſſion of illicit Diſtillation in *Ireland*, to all Intents and Purpoſes as if ſuch Security had not been given; or it ſhall be lawful for ſuch Collector or other Perſon with whom ſuch Contract or Agreement ſhall have been made or to whom ſuch Security ſhall have been given at any Time either before or after the Commencement of this Act, to proceed at his Option againſt the Party who ſhall have made or entered into or given ſuch Agreement, Contract, or Security for the Amount of the Sum or Sums contracted or agreed or ſecured to be paid by ſuch Party as for a Debt due to His Majeſty, His Heirs and Succeſſors; and ſuch Debt ſhall be recoverable and recovered by all ſuch Ways and Means and with all ſuch Powers and Authorities as are given by Law for the Recovery of Debts due to the Crown by any Act or Acts in Force in *Ireland*; and it ſhall be lawful for any Perſon who ſhall have paid, or who ſhall pay, any ſuch Sum or Sums of Money, or on whom the ſame ſhall be levied or againſt whom the ſame ſhall be recovered in Manner aforeſaid, to proceed for the Reimburſement to him of the Money ſo paid by or levied on him,

Securities made and given for the Payment of Fines by Inhabitants, &c. of Diſtricts fined, to the Collector of the Fines.

How the Sums ſo ſecured ſhall be levied and recovered.

Perſons paying ſuch Sums may proceed for Reimburſement as under 54 G. 3. c. 130.

againſt any Perſon or Perſons liable to the Reimburſement of any ſuch Fine or Fines under or by virtue of the Proviſions of the herein-before recited Act of the laſt Seſſion of Parliament; and it ſhall be lawful for the Perſons ſo having paid ſuch Money to recover and receive the ſame in Manner and under the Regulations in the ſaid laſt recited Act in that Behalf ſpecified and contained with reſpect to the Reimburſement of any ſuch Fine or Fines as aforeſaid.

One Shilling in the Pound on the Amount of the Fines ſhall be included in the Treaſurer's Warrant, and paid to the Collector of the Fines.

VIII. And be it further enacted, That whenever the Court or Judge at any Aſſizes or Preſenting Term ſhall fine any Townland, Quarterland, Ballybow, Manor, Lordſhip, or other Place, Diſtrict, or Diviſion whatever, in any Sum of Money under or by virtue of any of the Proviſions contained in any Act or Acts for the Suppreſſion of illicit Diſtillation in *Ireland*, the ſaid Court or Judge ſhall direct the Treaſurer of the County, County of a City or Town, to include in his Warrant for levying any ſuch Fine, the Sum of One Shilling in the Pound on the Amount of every ſuch Fine, in Addition to the Amount of every ſuch Fine reſpectively; and which ſaid Sum of One Shilling in the Pound ſhall be levied in like Manner, and with the like Powers, Authorities, and Remedies, in caſe of Non-payment thereof, as are provided by Law with reſpect to the levying of any ſuch Fine or Fines; and the Amount of the ſaid Sum of One Shilling in the Pound ſo levied, ſhall be paid to or received, or kept or retained to his own Uſe, by the Perſon who ſhall levy and collect the Fines in reſpect of which ſuch One Shilling in the Pound ſhall be payable reſpectively, and who ſhall be authorized to collect and levy the ſame under the Proviſions of the ſeveral Acts herein-before recited, or of this Act, or of any other Act or Acts for preventing illicit Diſtillation in *Ireland*.

Fines ſhall be paid, One Moiety to the Informer, &c. and the other to the Collector of Exciſe of the Diſtrict, to be applied in Payment of Aſſiſtants under this Act.

IX. And be it further enacted, That all and every Fines and Fine which ſhall be impoſed at any Time after the Commencement of this Act, upon any Townland, Quarterland, Ballybow, or other Place, Diſtrict, or Diviſion whatſoever (other than a Pariſh at large) under the Proviſions of any Act or Acts in force relating to the illicit Diſtillation of Spirits in *Ireland*, 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*, purſuant to the Proviſions of the ſaid recited Act made in the Fifty-fourth Year of His preſent Majeſty's Reign, 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 City or Town, to the Officer of Exciſe who ſhall have given the Information to a Juſtice of the Peace, and who ſhall have appeared 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; and the other Moiety of every ſuch Fine or Fines (or of ſo much thereof reſpectively as may remain after deducting the Coſts in the Caſe aforeſaid) ſhall be

be paid by every such Treasurer to the Collector of Excise, or other Officer in charge of the Collection of the District in which such Townland, Quarterland, Ballybow, or other Place, District, or Division whatsoever so fined shall be situate, to be applied by such Collector, under the Orders and Directions of the said Commissioners of Inland Excise and Taxes, in or towards the Expences incurred by Payments made or to be made to any Persons appointed to assist the Collectors or Excise Officers or other Persons as aforesaid in the collecting any such Fines, or in the Suppression of illicit Distillation within such Townland, Place, District, or Division; and the Remainder, if any, after Payment of such Expences, shall be applied in such Manner as any other Monies received by such Collector are by Law applicable; any Thing in the said recited Act made in the Fifty-fourth Year of His Majesty's Reign to the contrary notwithstanding.

On Trials for Reimbursement of Inhabitants who shall have paid any Fine imposed, Copy of the Treasurer's Warrant shall be Proof sufficient.

X. And for the more easy and speedy Reimbursement of any Inhabitant or Landholder in any Townland, Place, District, or Division, upon or by whom any Fine shall have been or shall be levied or paid by virtue of any Warrant issued or which shall be issued for the levying of such Fine, under any Act or Acts for the Suppression of illicit Distillation in *Ireland*; be it enacted, That the Treasurer of every County, County of a City or Town, within which any such Fine shall have been or shall be levied, shall from Time to Time, within Fourteen Days after issuing any Warrant for the levying of any such Fine, and whenever thereto required by the Clerk of the Peace of such County, County of a City or Town, transmit to such Clerk of the Peace a true Copy of any and every such Warrant, signed by the Hand of such Treasurer; and such Copy shall be preserved by such Clerk of the Peace among the Records of the County; and that upon the Trial of any Action or Suit by Civil Bill by any such Inhabitant or Landholder, for the Recovery of any such Fine against the Owner of any unlicensed Still, or other Person subject to make such Reimbursement, such Copy of the Treasurer's Warrant so transmitted to the Clerk of the Peace, shall be deemed sufficient Proof that the Fine or Penalty therein mentioned had been imposed and levied, without other Proof of the imposing or levying of such Fine or Penalty.

If the Officer or Person serving, &c. any Notice of proceeding to recover any Still Fine shall be killed, beaten, or forcibly taken away, or his Attendance to give Evidence any way forcibly prevented, the Court shall impose the Fine, if the Information contains sufficient Evidence of the Offence;

XI. And be it further enacted, That if at any Time after the Commencement of this Act, any Officer or Officers of Customs or Excise, or any Person or Persons acting in his or their Aid, in the serving of or the attempting or endeavouring to serve any Notice or Notices, for the Purpose of proceeding thereon to impose a Fine or Fines upon any Townland, Manor or Lordship, or other Place, under any Act or Acts for the Suppression of the illicit Distillation of Spirits in *Ireland*, shall be killed, or shall be beaten, wounded, or bruised, or shall be forcibly taken or carried away or detained, by any Person or Persons, so as that such Officer or Officers, Person or Persons acting in his or their Aid, shall be rendered incapable of attending, or shall be prevented from attending at such Assizes or Presenting Term, for the Purpose of giving Evidence in support of any Information which may or shall have been given, for proceeding to impose such Fine, or of giving Evidence touching the Service of such Notice, it shall and may be lawful for the Court before whom such Information shall have been returned to be tried, if it shall appear to the said Court that such Officer or Officers, or Person or Persons had been so killed or beaten, wounded or bruised, or carried away or detained, whereby the Attendance of such Officer or Person shall be prevented, and such Court is hereby required, upon Pro-

duction of such Information, and upon Proof of the Hand-writing of the Justice to such Information, before whom the same had been sworn upon the Oath of any One credible Witness (if such Court shall see sufficient Evidence upon the Face of such Information, of the Existence of the Facts and of the Offence charged therein) to impose a Fine pursuant to such Information, in like Manner and as fully and effectually to all Intents and Purposes whatsoever, as if such Officer or Officers, or other Person or Persons, had appeared before such Court, and had been or were then and there personally examined, and had given Evidence of the Service of the Notice, and in support of such Information: Provided always, that nothing herein contained shall take away or affect the Right which any Inhabitant of any such Townland or Place shall or may have by Law to traverse or to offer to controvert the Facts stated in any such Information.

Provided that it shall not take away or affect the Right of Traverse.

Penalty on Persons conveying illicit Spirits, &c.

XII. And be it further enacted, That from and after the Commencement of this Act, if any Person or Persons shall be found passing in any Part of *Ireland*, knowingly and willingly having in his, her, or their Custody or Possession, any Spirituous Liquors distilled in *Ireland*, on which all Duties payable by Law shall not have been duly paid, or for which, if the Quantity shall exceed One Gallon, a proper Permit shall not be obtained for the Removal thereof; or if any Person or Persons shall be found passing in any Part of *Ireland*, knowingly and willingly having in his or her Care, Custody, or Possession, any unlicensed Still, Still-head, Worm or Appendage of a Still, except removing from or to a Brazier, or Mender or Maker of Stills, under a proper Permit; every such Person shall in each and every the respective Case and Cases aforesaid, be deemed guilty of a Misdemeanor; and if convicted thereof, shall, exclusive of any other Punishment to which such Person may be subject, forfeit a Sum not exceeding One hundred Pounds, nor less than Ten Pounds, as the Court shall in its Discretion think fit to be paid to the Prosecutor; and such Persons so convicted shall be imprisoned until such Fine shall be paid: Provided always, that the Time of such Imprisonment shall not in any Case exceed the Period of Six Calendar Months.

Misdemeanor.

Penalty on Persons found passing, &c. with any Cask or Vessel which had contained illicit Spirits.

XIII. And be it further enacted, That from and after the Commencement of this Act, if any Person or Persons shall be found passing in any Part of *Ireland*, or be found on board or discovered to have been on board any Boat or other Vessel being in any Port, Harbour, Haven, Creek, River, Lake, Canal, or Dock in *Ireland*, or within Eight Leagues of the Shores of *Ireland*, knowingly and willingly having in his, her, or their Custody, any Keg, Cask, or Vessel, which before had contained any Spirituous Liquors distilled in *Ireland*, on which all Duties payable by Law had not been duly paid (and in all such Cases Proof that the Duties on such Spirits had been duly paid shall be upon the Party so found) every such Person, except in the Case herein-after provided, shall be deemed guilty of a Misdemeanor, and shall suffer such Punishment as in other Cases of Misdemeanor; and every such Keg, Cask, or other Vessel, and every Horse, Mare, Mule, Ass, or other Beast of Burthen, and every Cart, Car, Dray, Wain, Waggon, or other Vehicle, and every Boat or other Vessel with all her Tackle, Apparel, and Furniture, employed in conveying or carrying the same, shall be forfeited, and may be seized by any Officer of Customs or Excise; and it shall be lawful for any such Officer or Officers, or any Person or Persons acting in his or their Aid, to stop, arrest, and detain all and every Person

Misdemeanor.

Perſon or Perſons whatever ſo found paſſing or on board or diſcovered to have been on board ſuch Boat or other Veſſel, and to convey all and every ſuch Perſon and Perſons before any Juſtice of the Peace in *Ireland*, reſiding near the Place where any ſuch Perſon ſhall be ſo taken and arreſted; and it ſhall be lawful for ſuch Juſtice of the Peace, and he is hereby required, upon Proof on Oath by One or more credible Witneſs or Witneſſes, that ſuch Perſon was ſo found or taken or diſcovered as aforeſaid (unleſs ſuch Perſon ſhall prove to the Satisfaction of ſuch Juſtice, that he had paid for or *bonâ fide* agreed to pay for his Paſſage on board ſuch Boat or Veſſel, and that he was no way concerned in the Property of ſuch Boat or Veſſel, or of the Spirits, or Keg, Caſk, or Veſſel, as the Caſe may be) to hold ſuch Perſon to Bail, with Two ſufficient Sureties for the Appearance of ſuch Perſon, to anſwer to any Indictment or Information that may be brought againſt him or her in that Behalf; and in caſe any Perſon ſo liable to be held to Bail, ſhall make default in finding ſuch ſufficient Bail as aforeſaid, or until ſuch Bail ſhall be found, it ſhall be lawful for ſuch Juſtice to commit ſuch Perſon to the Gaol of the County, Town, or Place, in which ſuch Perſon ſhall be arreſted, to anſwer as aforeſaid.

Penalty on Perſons having Malt, or Corn or Grain making into Malt, unlawfully in their Poſſeſſion.

XIV. And whereas the illicit Diſtillation of Spirits is increaſed by Means of Corn made into Malt being obtained by Perſons without Permit, or otherwiſe contrary to Law; be it enacted, That from and after the Commencement of this Act, if any Malt ground or unground, or any Corn or Grain wetted or ſteeped, to be made into Malt, ſhall be found in the Poſſeſſion of any Perſon whatſoever in *Ireland*, not entitled by Law to have the ſame in his or her Cuſtody or Poſſeſſion; or if any Perſon or Perſons ſhall be found paſſing in any Part of *Ireland*, knowingly and willingly having in his, her, or their Poſſeſſion, any Malt ground or unground, or upon which all Duties by Law payable thereon ſhall not have been paid, or for the Removal of which a proper Permit ſhall not have been granted; or if any Perſon or Perſons ſhall be found paſſing in any Part of *Ireland*, knowingly and willingly having in his, her, or their Cuſtody, any Corn or Grain wetted or ſteeped, wherewith or with Intent to make the ſame into Malt; every ſuch Perſon ſo offending in any of the reſpective Caſe and Caſes aforeſaid, ſhall be deemed and taken to be guilty of a Miſdemeanor; and it ſhall be lawful for any Officer or Officers of Cuſtoms or Excife, or any Perſon or Perſons acting in his or their Aid, to arreſt, ſtop, and detain all and every Perſon and Perſons found or diſcovered as aforeſaid, and to convey all and every ſuch Perſon and Perſons before any Juſtice of the Peace in *Ireland*, reſiding near the Place where any ſuch Perſon ſhall be ſo taken and arreſted; and it ſhall be lawful for ſuch Juſtice of the Peace, and he is hereby required, upon Proof on Oath, by One or more credible Witneſs or Witneſſes, that ſuch Perſon had committed any of the Offences aforeſaid, to hold ſuch Perſon to bail, with Two ſufficient Sureties for the Appearance of ſuch Perſon to anſwer to any Indictment or Information that may be brought againſt him or her in that Behalf; and in caſe any Perſon ſo liable to be held to Bail, ſhall make Default in finding ſuch ſufficient Bail as aforeſaid, or until ſuch Bail ſhall be found, it ſhall be lawful for ſuch Juſtice to commit ſuch Perſon to the Gaol of the County, Town or Place in which ſuch Perſon ſhall be arreſted, to anſwer as aforeſaid; and in caſe any Indictment ſhall be found againſt ſuch Perſon, he or ſhe ſhall plead thereto, without having Time to traverſe the ſame; and every Perſon convicted of the Offences aforeſaid, excluſive of all other Pains and Penalties to which ſuch Perſon

Miſdemeanor.

may be subject, shall forfeit a Sum not exceeding One hundred Pounds nor less than Ten Pounds, as the Court before whom such Person shall be convicted, shall in its Discretion think fit to be paid to the Prosecutor, and such Person so convicted shall be imprisoned until such Fine shall be paid: Provided always, that the Time of such Imprisonment shall not in any Case exceed the Period of Six Calendar Months, and for the Second Offence of a like Nature, such Court shall sentence such Person so convicted, to be transported for the Term of Seven Years.

Penalty on Miller in whose Mill Malt is found without Permit.

XV. And be it further enacted, That from and after the Commencement of this Act, whenever any Malt shall be found by any Officer of Excise in the Mill of any Miller in *Ireland*, if on Demand by such Officer a Permit or Certificate (as the Case may require) of force for such Malt, shall not be produced within a reasonable Time after such Demand, all such Malt shall be forfeited and may be seized; and the Miller in whose Mill any such Malt shall be found, without such Permit or Certificate, shall forfeit the Sum of Twenty Pounds.

Powers of 54G.3.c.150. extended to this Act.

XVI. And be it further enacted, That all the Clauses, Powers, Authorities, Rules, Regulations, and Provisions contained in the said hereinbefore recited Acts of the last Session of Parliament, for imposing and levying of Fines in respect of the unlawful Distillation of Spirits in *Ireland*, shall be applied in the Execution of this Act as fully and effectually as if the same were repeated and re-enacted in this Act, except only so far as the same are repealed or altered by this Act, or by any other Act or Acts; and that the said recited Act and this Act shall be construed together as one Act, so far as the same are compatible and consistent with each other; and that the Penalties and Forfeitures imposed or inflicted by this Act, shall and may (in all Cases not otherwise provided for by this Act) be sued for, recovered, levied, and applied in such Manner and Form, and by such Ways and Means, and with such Powers and Authorities, as are prescribed, directed, and appointed in and by an Act of Parliament made in *Ireland* in the Fourteenth and Fifteenth Years of the Reign of His late Majesty King *Charles* the Second, intituled *An Act for settling of the Excise or new Impost upon His Majesty, His Heirs and Successors*, according to the Book of Rates therein inserted, or by any other Law or Laws relative to His Majesty's Revenue of Excise or Customs in force in *Ireland*, as fully and effectually to all Intents and Purposes, as if the same were particularly mentioned and expressed and re-enacted in this Act, with like Remedy of Appeal to and for the Party and Parties who shall think him, her, or themselves aggrieved or injured, as in and by the said Act of Excise, or any Law or Laws relating to His Majesty's Revenue of Excise in *Ireland*, is provided.

Recovery of Penalties.

Commencement of Act.

XVII. And be it further enacted, That this Act shall commence and take Effect in the several Counties, Counties of Cities and Counties of Towns, in *Ireland*, on and from the First Day of the *Summer* Assizes in this present Year One thousand eight hundred and fifteen, in every such County, County of a City and Town respectively.

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