

No. XVI.

An Act to amend the Laws regulating the Distillation of Spirits in the Colony of New South Wales and the levying of Duties thereon. [17th December, 1841.]

Preamble.

WHEREAS an Act of the Governor and Council of New South Wales was passed in the third year of the reign of Her present Majesty Queen Victoria intituled "*An Act to consolidate and amend the Laws for the distillation of Spirits in the Colony of New South Wales and for the issue of Licenses for distilling rectifying and compounding Spirits therein and for repealing certain Laws relating thereto*" and whereas to render the said recited Act more effectual it is expedient that certain provisions thereof should be explained and amended and that the provisions thereof should be repealed and whereas a certain other Act of the said Governor and Council was passed in the fourth year of the reign of Her said Majesty intituled "*An Act to increase the Duty on Spirits distilled in New South Wales and its Dependencies*" which said Act was found insufficient for the purposes thereby intended and it is expedient to repeal the same Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That from and after the passing of this Act the Act herein last recited shall be repealed and also so much of the Act herein first recited as enacts that from and after the first day of April in the year one thousand eight hundred and forty it shall not be lawful for any distiller to make or distil any spirits from sugar molasses or any other materials whatsoever of foreign growth or any mixture thereof (grain alone excepted) and also so much thereof as enacts that if any distiller shall from and after the first day of April aforesaid make or distil spirits from any such foreign materials (grain excepted) such distiller shall forfeit the sum of five hundred pounds and that all such wort wash and spirits shall be forfeited and may be seized by any Inspector of Distilleries or Officer of Customs duly authorized in that behalf and also so much thereof as relates to the keeping of colonial and foreign spirits in distinct and separate cellars and the same are hereby respectively repealed save and except as to any thing or matter done or commenced to be done before the passing of this Act which said matters and things shall be dealt with respectively as if this present Act had not been passed.

2. And be it enacted That upon all spirits hereafter made or distilled within the Colony of New South Wales or any Dependency thereof

Colonial Distillation.

thereof from and after the passing of this Act whether from grain sugar molasses or any other article whatsoever there shall be levied and collected a rate or duty of nine shillings for each and every gallon imperial measure of such spirits not exceeding the strength of hydrometer proof and so in proportion for spirits of greater strength.

3. And be it enacted That within three months from and after the passing of this Act there shall be within the walls of every licensed distillery a house or store built of stone or brick in which the spirits when distilled shall be deposited the door or every door of which if more than one shall be secured by two locks to each door the key of one of which locks on each door shall be kept by the owner of such distillery and the key of the other of the said locks shall be kept by the Inspector of Distilleries or by such other officer as may be appointed by the Governor for the time being for the purpose of keeping the same and it shall not be lawful for any person to open the said locks or enter into the said house or store unless in the presence or by the permission of such Inspector of Distilleries or other officer so appointed as aforesaid and any person who shall open the said locks or enter into the said house or store otherwise than in the presence or with the permission of such inspector or officer so appointed as aforesaid shall be liable on conviction thereof to forfeit and pay a penalty of one hundred pounds.

4. And be it enacted That if any person shall give offer or promise to give any bribe recompense or reward or shall make any collusive agreement with any such inspector or other officer so appointed as aforesaid to induce him in any way to neglect his duty or to conceal or connive at any act whereby any of the provisions of this Act or the first recited Act may be evaded every such person so offending shall on conviction thereof forfeit and pay a penalty or sum of two hundred pounds whether such gift or offer shall be accepted or such promise performed or not and any inspector or other officer who shall directly or indirectly take or receive any bribe recompense or reward or shall in any way neglect his duty or conceal or connive at any act whereby any of the provisions of the said recited Act or this Act may be evaded shall forfeit and pay a like penalty or sum of two hundred pounds.

5. And be it enacted That if any Officer of Customs Inspector of Distilleries or any other officer or officers appointed by the said Governor in that behalf as aforesaid shall have reasonable grounds to believe that spirits upon which the duty has not been paid are kept or concealed in any house or place within the said Colony or its Dependencies it shall and may be lawful for such Officer of Customs Inspector of Distilleries or other officer or officers appointed as aforesaid to enter into such house or place in the day-time with writ of assistance and accompanied by a peace officer and search for and seize any such spirits found therein and to deposit the same in the Queen's Warehouse at the Custom House or other place appointed by the said Governor for that purpose until restored or condemned in manner directed by the said first recited Act.

6. And be it enacted That if any licensed distiller shall have or keep upon his premises any worm or worms except one worm for each still licensed in manner provided by the said recited Act such distiller shall forfeit and pay a penalty or sum of twenty pounds for each and every worm found on his said premises exceeding the number of stills licensed to be used thereon Provided however that nothing herein contained shall prevent any number of worms being kept in the store in which spirits when distilled are to be deposited under the security of two locks as aforesaid.

Insolvency.

Meaning of terms
declared to prevent
misconstruction.

7. And be it enacted That in order to prevent any misconstruction of the terms and expressions used in the said first recited Act or in this Act wherever the terms or expressions following occur therein the same shall be construed respectively in manner hereinafter directed (that is to say) that the term wort shall be construed to mean wort wash pot-ale dunder and singlings that the term spirits shall be construed to mean brandy rum gin low wines and feints and all descriptions and kinds of spirituous liquors whatsoever and that the term premises shall include and extend to all out-houses and other buildings belonging to the same proprietor on the place appropriated to the distillation and storing of spirits.

The duty shall be
levied in the manner
prescribed by
3 Victoria No. 9.

8. And be it enacted That the duty by this Act imposed shall be raised collected recovered secured and paid in such manner and by such ways and means and under such management and under and subject to such rules regulations conditions penalties and forfeitures and with such power of adjudging and mitigating penalties and forfeitures and with and subject to such powers and to the like rules and directions and by such methods and in such manner and form as is directed and prescribed by the Act hereinbefore first recited and that all the provisions penalties forfeitures powers authorities rules and directions mentioned and contained in the said recited Act shall be practised and put in execution for the raising receiving levying recovering or securing payment of the said duty by this Act imposed and the respective penalties hereinbefore mentioned as fully and effectually to all intents and purposes as if the said recited Act were particularly repeated and re-enacted in this Act.

Governor may remit
or reduce penalties.

9. And be it enacted That it shall and may be lawful for the Governor for the time being of the said Colony to remit or reduce the said penalties as to the said Governor shall seem meet.