

## No. XXVII.

An Act to consolidate and amend the Laws relating to the distillation rectifying and compounding of Spirits and to authorize and regulate the warehousing under bond and the exportation free of duty of Spirits distilled within the Colony of New South Wales and to repeal certain Laws relating thereto. [27th September, 1849.]

COLONIAL  
DISTILLATION.

WHEREAS an Act 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 a certain other Act was passed in the fifth year of the reign of Her said Majesty intituled “*An Act to amend the Laws regulating the distillation of Spirits in the Colony of New South Wales and the levying of Duties thereon*” And whereas a certain other Act was passed in the seventh year of the reign of Her said Majesty intituled “*An Act to explain and amend the Laws relating to Distillers and Rectifiers in the Colony of New South Wales*” And whereas a certain other Act was passed in the said seventh year of the reign of Her said Majesty intituled “*An Act to amend an Act 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 to indemnify certain Justices of the said Colony’*” And whereas a certain other Act was passed in the eighth year of the reign of Her said Majesty intituled “*An Act to amend an Act intituled ‘An Act to consolidate*”

Preamble.  
3 Vic. No. 9  
5 Vic. No. 16  
7 Vic. No. 8  
7 Vic. No. 27  
8 Vic. No. 10  
“ “ and

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9 Vic. No. 26

10 Vic. No. 13

11 Vic. No. 12 and

11 Vic. No. 42

repealed.

Distillation to be  
carried on in such  
places only as shall  
be appointed by  
proclamation.

No person to have  
an unlicensed still

under a penalty.

“ ‘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 a certain  
other Act was passed in the ninth year of the reign of Her said  
Majesty intituled “ *An Act to amend the Acts now in force respecting  
“ the distillation of Spirits and more effectually to prevent illicit  
“ distillation* ” And whereas a certain other Act was passed in the  
tenth year of the reign of Her said Majesty intituled “ *An Act to  
“ authorize and regulate for a limited time the warehousing under bond  
“ and the exportation free of duty of Spirits distilled within the  
“ Colony of New South Wales* ” And whereas a certain other Act  
was passed in the eleventh year of the reign of Her said Majesty  
intituled “ *An Act to continue for a limited time the Act to amend the  
“ Acts now in force respecting the distillation of Spirits and more  
“ effectually to prevent illicit distillation* ” And whereas a certain  
other Act was passed in the eleventh year of the reign of Her said  
Majesty intituled “ *An Act to continue an Act intituled ‘ An Act to  
“ authorize and regulate for a limited time the warehousing under  
“ bond and the exportation free of duty of Spirits distilled in the  
“ Colony of New South Wales’* ” And whereas it is expedient to  
repeal the above recited Acts and to enact other regulations and  
provisions in lieu thereof Be it therefore enacted by His Excellency  
the Governor of New South Wales with the advice and consent of the  
Legislative Council thereof That from and after the first day of October  
next the said recited Acts shall be and the same are hereby repealed  
except in so far as the said Acts or any of them repeal or  
repeals any former Act or Acts or any part or parts of any former  
Act or Acts Provided always that the said recited Acts shall  
continue and remain in force so far as they relate to the indem-  
nifying of any Justices in respect of any matter or thing therein  
referred to or the charging recovering prosecuting suing for  
levying paying accounting for or mitigating any duty or arrear  
of duty which shall have been or shall be chargeable or payable  
on any such spirits under the said Acts or any of them or of any fine  
penalty or forfeiture for any offence against the said Acts or any of  
them which shall have been committed at any time on or before the  
commencement of this Act all which suits or other proceedings matters  
and things shall and may be had and proceeded on and shall remain  
and be to all intents and purposes whatever as if the said Acts had not  
been repealed in manner aforesaid.

2. And be it enacted That from and after the passing of this  
Act it shall not be lawful for any person except as hereinafter excepted  
to carry on the business of a distiller or a rectifier and compounder of  
spirits or to have keep or make use of any still or other utensil for  
distilling or for rectifying and compounding spirits except in such  
places as His Excellency the Governor of the said Colony shall  
appoint or direct by proclamation to be published in the *New South  
Wales Government Gazette* under a penalty of not less than one  
hundred pounds nor more than five hundred pounds.

3. And be it enacted That it shall not be lawful for any person  
to have keep or make use of any still or other utensil for distilling or  
for rectifying and compounding spirits in the said Colony or its  
Dependencies without first having obtained a license for keeping or  
using the same from the Colonial Treasurer or other person appointed  
by the Governor of the said Colony for the time being under a penalty  
of not less than one hundred pounds nor more than five hundred  
pounds together with the forfeiture of such still and utensils.

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4. And be it enacted That any person wishing to obtain a license for the purpose of distilling or for rectifying and compounding spirits shall by memorial apply to the Governor to direct such license to be granted and that such memorial shall state the premises upon which such distilling or rectifying and compounding is to be carried on respectively.

Application for a license by memorial.

5. And be it enacted That no license shall be granted in respect of any distillery not licensed previously to the passing of this Act unless the wash still or stills shall be capable of containing double the content of the low wine or spirit still or stills erected therein and that no wash still shall be capable of containing less than one thousand gallons and no low wine or spirit still less than five hundred gallons.

Limitation of the size and proportions of stills.

6. And be it enacted That before any license be granted or renewed to any person under this or any other Act for the time being in force relating to the distillation or rectifying and compounding of spirits such person shall produce to the Colonial Treasurer or other person appointed by the Governor to grant such license a certificate under the hands of three Justices of the Peace that he is of good character and a fit and proper person to be licensed which certificate shall be published in the *New South Wales Government Gazette*.

Certificate as to the character of applicants for licenses.

7. And be it enacted That it shall be lawful for the Governor with the advice of the Executive Council to prohibit the granting or renewing of any license under this Act or to suspend or revoke or annul any such license on proof to the satisfaction of the said Governor and Executive Council that the enactments and provisions of this or any other Act for the time being relating to the distillation of spirits have been contravened or that any officer has been obstructed or prevented in or from doing any part of his duty by the party applying for or holding any such license or renewal thereof.

Governor may prohibit suspend revoke or annul a license.

8. And be it enacted That no license to distil or to rectify and compound spirits shall be granted or renewed unless it be certified by the Chief Inspector of Distilleries or other person appointed by the Governor that the premises within which the business of distillation is to be carried on are surrounded by a substantial wall or slab paling that no portion of such wall or paling is of less height than six feet from the ground that it is in good repair that it is in the opinion of the person granting the certificate sufficient for the purposes of security intended by this Act that there is a space of five feet between it and any other building that there is but one entrance through it and that such entrance is secured by a closely panelled door or gate not less in height than six feet from the ground and that such door or gate is provided with sufficient locks and fastenings.

Premises to be surrounded by a wall or paling.

9. And be it enacted That windows or convenient apertures shall be made for the admission of sufficient light into every part of every licensed distillery and that no license shall be granted or renewed until it be certified by the Chief Inspector of Distilleries or other officer appointed by the Governor that sufficient light has been admitted into every part of the building.

Distilleries to be sufficiently lighted.

10. And be it enacted That before any license be granted for the distillation or for the rectifying and compounding of spirits a correct plan or series of plans of the whole of the premises shall be furnished to the Chief Inspector of Distilleries or other officer appointed by the Governor for the approval of the Governor whereon shall be figured and numbered in numerical progression every boiler mash-tun underback cooler fermenting back wash charger low wines' charger feints' charger every still including the worm thereof every spirit vat every receiver every safe for securing the tail pipes every other vessel or utensil on the said premises and whereon shall be figured every pipe tube trough and pump connected with such vessels and

Plan of premises to be furnished by applicant for license.

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every drain sewer pipe or tube being upon or passing through any part of the said premises and every vessel and utensil on the premises shall be numbered in numerical progression so that the number marked thereon respectively shall correspond with the representation thereof shewn on the said plan or series of plans and every pipe on such plan for the conveyance of worts or wash shall be painted red every pipe for the conveyance of feints and low wines shall be painted blue every pipe for the conveyance of spirits shall be painted green every pipe for the conveyance of water shall be painted black and every pipe for the conveyance of gas shall be painted yellow and such plan or series of plans shall be signed by the person applying for such license. Provided however that in case the Governor with the advice of his Executive Council shall disapprove of the said plan or series of plans or of any matter or thing figured thereon it shall be lawful for the Governor to direct that the license applied for shall not be granted and such license shall not be granted accordingly.

Security of spirit  
store to be certified.

11. And be it enacted That before any such license for the distillation of spirits be granted or renewed it shall be certified by the Chief Inspector of Distilleries or other person appointed by the Governor to grant such certificate that there is erected upon the premises for which a license is sought to be obtained a store in which spirits when distilled shall be deposited that it is a solid building of stone or brick that each and every window is secured with iron bars not less than one and a-half inch square or one and a-half inch in diameter and the whole opening secured with strong close wire netting securely fixed to the satisfaction of the person granting the certificate that there is but one door or entrance to the said store that the said door is of solid construction that it is provided with the means of being secured by three locks of which two shall be furnished and the keys thereof kept by the Government and one lock furnished and the key kept by the distiller that the vats destined for the storing of spirits within such store are elevated at least two feet from the ground that they are so placed that the whole exterior surface and the bottom of each are open to inspection and that the said store is in every respect in good repair and sufficiently secure for the purposes of this Act.

Security of store for  
materials certified.

12. And be it enacted That before any such license for the distillation of spirits be granted or renewed it shall be certified by the Chief Inspector of Distilleries or other person appointed by the Governor that there is erected upon the premises for which a license is sought to be obtained a store or stores for the reception of sugar treacle molasses malt grain or other material whatsoever which may be intended to be used in the process of distillation that each and every window is secured with iron bars not less than one and a-half inch square or one and a-half inch in diameter and the whole opening covered in with strong close wire netting securely fixed to the satisfaction of the person granting the certificate that there is but one door or entrance to such store that the door is of solid construction and that it is provided with the means of being secured by three locks of which two shall be supplied and the keys kept by the Government and one lock furnished and the key kept by the distiller.

Certain vessels to be  
certified.

13. And be it enacted That no license to distil spirits shall be granted or renewed unless it be certified by the Chief Inspector of Distilleries or other officer appointed by the Governor that the several vessels hereinafter enumerated and described are erected on the premises for which a license is sought to be obtained and that the provisions hereinafter expressed with regard to their arrangement have been complied with and every person applying for such license shall erect and keep the several vessels hereinafter enumerated and in the manner and for the purposes hereinafter to be described that is to say

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—One vessel to be called a wash charger one other vessel to be called a low wines' receiver one other vessel to be called a low wines' charger one other vessel to be called a feints' charger two other vessels to be called feints' receivers and one other vessel to be called a spirits' receiver.

14. And be it enacted That licenses to distil and to rectify and compound spirits respectively shall be issued in the forms prescribed in the Schedules E and F to this Act annexed or in words to the like effect. Forms of licenses.

15. And be it enacted That no license to rectify and compound spirits shall be granted or renewed unless it be certified by an Inspector of Distilleries that there is erected in connection with the still for which a license is sought to be obtained at least one receiver which shall be a close covered vessel provided with the means of being secured by locks the contents of which receiver shall not be less than that of such still and that the provisions contained in this Act have been complied with. Rectifier's receiver to be certified.

16. And be it enacted That before any such license for the rectifying and compounding of spirits shall be granted or renewed the person or persons applying for the same together with two sufficient sureties shall enter into a recognizance payable to Her Majesty Her Heirs and Successors in the sum of three hundred pounds conditioned for the due and faithful observance of all the laws in force in the Colony in respect to the rectifying and compounding of spirits. Rectifier's recognizance.

17. And be it enacted That it shall and may be lawful for the Colonial Treasurer or other person appointed as aforesaid to issue a license to any apothecary chemist or druggist applying for the same to keep and use on his premises a still of not more than eight gallons content for the purposes of his trade only Provided that every person wishing to keep such still shall notify his intention so to do to the Colonial Treasurer or other person appointed as aforesaid who shall thereupon require such person together with two sufficient sureties to enter into a recognizance payable to Her Majesty in the sum of two hundred pounds conditioned that he will not make use of such still or suffer it to be made use of except for the preparation of medicines or other articles required *bond fide* for medical purposes and that he will not run from any such still any spirituous liquors upon which the full duty shall not have been paid and every such person found to have in his possession any still without having entered into such recognizance and obtained such license shall forfeit and pay not less than one hundred pounds nor more than five hundred pounds. Apothecary's license and recognizance.

18. And be it enacted That it shall be lawful for the Colonial Treasurer or other person appointed as aforesaid in his discretion as he shall see fit to issue a license to any person applying for the same to keep and use on his premises a still of not more than eight gallons content for any scientific purpose or for the purpose of distilling scent or perfume from any vegetable matter which has not been submitted to the process of fermentation Provided that every person wishing to keep such still shall notify his intention so to do to the Colonial Treasurer or other person appointed as aforesaid who shall thereupon require such person with two sufficient sureties to enter into a recognizance payable to Her Majesty in the sum of two hundred pounds conditioned that he will not make use of such still or suffer it to be made use of except for such scientific or other purpose as aforesaid and every person found to have in his possession any such still without having entered into such recognizance and obtained a license shall forfeit and pay not less than one hundred pounds nor more than five hundred pounds. License for scientific purposes and recognizance.

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Licenses to makers  
of wine

19. And be it enacted That nothing in this Act contained shall prevent the maker of wine from grapes the produce of his own vineyard in the Colony aforesaid or its Dependencies from keeping and using one still of not more than fifty nor less than twenty-five gallons content for the purpose of distilling brandy from such wine or the lees of such wine for his own consumption provided he obtain for such still a license from the Colonial Treasurer or other person appointed as aforesaid which license shall be granted only on a certificate signed by two Magistrates that the person requiring the still has in cultivation and bearing a vineyard of at least two acres in extent Provided that every person wishing to keep such still shall notify his intention so to do to the Colonial Treasurer or other person appointed as aforesaid who shall thereupon require such person with two sufficient sureties to enter into a recognizance payable to Her Majesty in the sum of two hundred pounds conditioned that he will not sell or dispose of any spirits so distilled and that he will not use such still except for the purpose of distilling spirits from such wine or lees as aforesaid and every such person found to have in his possession any still without having entered into such recognizance and obtained such license shall forfeit and pay not less than one hundred pounds nor more than five hundred pounds.

and recognizance.

Licensed makers of  
wine may distil  
brandy under certain  
limitations.

20. And be it enacted That it shall be lawful for any such maker of wine holding a license as aforesaid to fortify the wines the produce of his own vineyard with the brandy distilled by him under the provisions of this Act and to sell the wines so fortified Provided always that no such wines so fortified shall contain a greater proportion than twenty-five per cent. of alcohol of the specific gravity of eight hundred and twenty-five at the temperature of sixty degrees according to Fahrenheit's thermometer.

Fees for licenses.

21. And be it enacted That every license granted in pursuance of this Act shall terminate on the thirty-first day of December next following the granting thereof and there shall be paid for and in respect of every such license the respective sums hereinafter mentioned if such license shall be for the full period of twelve months or such smaller sums respectively as shall be proportioned to the time the same shall be in force that is to say for every license granted for the distillation of spirits or for a renewal of the same the sum of ten pounds for every license granted for the rectifying and compounding of spirits or for a renewal of the same a like sum of ten pounds for every license granted to an apothecary chemist or druggist or to any person applying for a license to use a still for any scientific purpose or for the purpose of making scent or perfume as aforesaid or for a renewal of the same respectively the sum of two pounds and for every license granted to a maker of wine as aforesaid or for a renewal of the same the sum of one pound which sums respectively shall be paid by the party obtaining such license to the Colonial Treasurer of the said Colony or other person appointed as aforesaid who upon receiving the direction of the Governor and upon the production of the certificates hereinbefore required and upon the execution of the recognizances hereinbefore mentioned and upon payment of the said sums respectively by the said party or parties applying for such licenses respectively is hereby authorized and directed to issue the same for the said term of one year and no longer.

Licenses how  
renewable.

22. And be it enacted That such licenses as aforesaid granted under this Act may be renewed annually from year to year upon the person or persons so applying for such renewal paying to the Colonial Treasurer or other person appointed as aforesaid the said sums respectively and upon receipt by the Colonial Treasurer or other person appointed as aforesaid of a certificate from the Chief Inspector of Distilleries or other person appointed as aforesaid that all the regula-  
tions

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tions of this or of any other Act for the time being relating to the distillation or to the rectifying and compounding of spirits respectively have been complied with. Provided however that in case the party or parties applying for any such renewed license shall have been convicted of any offence against the provisions of this Act or shall have forfeited the said recognizance hereinbefore mentioned or that the same shall have been estreated for any breach of the covenants therein contained it shall not be lawful for the said Colonial Treasurer or other person appointed as aforesaid to grant such renewal of any former license but he is hereby authorized and directed to refuse the same unless specially directed to issue a license by the Governor.

23. And be it enacted That all licenses which have been granted under the provisions of any of the Acts hereby repealed shall cease and determine on the thirty-first day of December next ensuing unless previously renewed under the provisions of this Act.

24. And whereas it has been ascertained that a certain chemical material known as naphtha commonly called spirit of coal tar is of advantage in the increase and improvement of light produced from coal gas And whereas such naphtha or spirit of coal tar cannot be produced without using a still and other apparatus used and employed in the process of distillation Be it therefore enacted That it shall and may be lawful for the Colonial Treasurer or other person appointed as aforesaid to issue a license free of all charge to keep and use a still to a certain company known as "The Australian Gas Light Company" or to any other company or individual manufacturing coal gas for public use in lighting any city or town within the Colony aforesaid upon being applied to for that purpose by the said Gas Light Company or by any other company or person or persons manufacturing gas for the purpose aforesaid and to be used only on the premises where the manufacture of coal gas is carried on. Provided that every such company or person wishing to keep such still shall notify their or his intention so to do to the Colonial Treasurer or other person appointed as aforesaid who shall thereupon require such company or person with two sufficient sureties to enter into a recognizance payable to Her Majesty in the sum of two hundred pounds conditioned that any such company or person will not make use of such still or suffer it to be made use of except for the preparation of naphtha or spirit of coal tar or other articles required *bona fide* for the said purpose and every such company or person found to have in their or his possession any still without having entered into such recognizance and obtained such license shall forfeit and pay not less than one hundred pounds nor more than five hundred pounds.

25. And be it enacted That it shall not be lawful for any person who shall be the owner or part owner or who has any interest or share in a distillery or in any premises or concerns used for rectifying or compounding spirits nor for any maker of wine the produce of his own vineyard licensed to use a still nor for any apothecary or chemist licensed to use a still nor for any person licensed to use a still for scientific or other purposes to have or to hold a license to retail spirituous or fermented liquors and in case any person who shall have obtained a license for the sale of fermented or spirituous liquors by retail shall after the obtaining of such license become the owner or part owner or have any share or interest in a licensed distillery or in any premises or concerns used for rectifying or compounding spirits such license so granted for the sale of fermented or spirituous liquors by retail shall thereupon become and be absolutely void and the party or parties continuing to sell fermented or spirituous liquors by retail after having become the owner or part owner of or after obtaining an interest or share in a licensed distillery or in any premises or concerns used

Proviso.

Date of license.

Licenses to distil naphtha.

Distillers cannot be publicans.

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used for the rectifying or compounding of spirits may be prosecuted and convicted as a person selling fermented or spirituous liquors by retail without a license.

Distance between the premises of licensed persons and those of brewers.

26. And be it enacted That it shall not be lawful for any person or persons who shall have obtained any such licenses as aforesaid or for any other person whatsoever to practise follow or use the trade or business of a brewer of ale porter beer or ginger-beer within the premises on which there is a still nor on any part thereof nor on any other place or premises within one hundred yards of the said premises on which there is a still under a penalty of one hundred pounds.

No other trades allowed on the premises.

27. And be it enacted That no other business or work except that of a distiller or that of coopering or repairing casks for the removal of spirits shall be carried on within the premises of a distiller under a penalty of twenty pounds Provided always that it shall be lawful for the distiller to employ workmen for the necessary repairs or alterations of his premises and to have and keep a forge for the working of the iron required in such repairs or alterations.

Assistance to the officer on duty.

28. And be it enacted That if on demand of the Chief Inspector of Distilleries strong safe and convenient ladders be not provided and conveniently placed of length sufficient to enable the officer on duty to ascend to and examine and descend from or into any vessel or utensil in such distillery or if any such ladder shall not be fixed at or in any part of such vessel or utensil where such officer shall require or if sufficient light and sufficient aid and assistance shall not be supplied by the distiller or his servants in locking unlocking opening or removing all locks and fastenings and also for the purpose of gauging or ascertaining the content or capacity of any vessel or utensil or searching for and gauging all the stock on hand as well by day as by night every distiller in whose distillery any such neglect or offence shall take place shall for every such neglect or offence forfeit the sum of one hundred pounds.

Distiller to repair enclosure.

29. And be it enacted That if at any time the said wall or slab paling or gate shall become insufficient for the purposes of security intended by this Act and the distiller do not at the demand of the Chief Inspector of Distilleries cause the said wall or slab paling or gate as the case may be to be rendered secure and put into the condition or state hereinbefore mentioned the distiller shall forfeit the sum of fifty pounds and the additional sum of ten pounds for every day that the said wall or slab paling or gate may remain in an insecure state.

Rubbish &c. to be removed by distiller.

30. And be it enacted That upon the premises of every distillery no rubbish shall be deposited and that all materials required for the use of the distillery shall be deposited in a building appropriated for the reception of the same as hereinbefore provided except coal and fuel and that all coal or fuel shall be so placed as not to obstruct the view of the premises and that all rubbish and any materials including coal or fuel which may in any way obstruct the view of the officers or conceal from view any part of the process going on in the distillery shall be removed by and at the expense of the distiller by order of any Inspector of Distilleries and be placed beyond the premises of the distillery and if any distiller shall neglect to conform to the provisions of this clause or fail forthwith to remove any such rubbish or materials including coal or fuel as aforesaid when required so to do by any Inspector of Distilleries he shall forfeit and pay the sum of twenty pounds for every such offence.

Office for the Inspectors.

31. And be it enacted That upon the premises of every distillery there shall be an office fit and proper for the safe custody of the Government books accounts and instruments and convenient for the accommodation of the officer on duty and upon obtaining his license

the



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the distiller shall deliver the key and give over possession of the said office to the Chief Inspector of Distilleries and the said distiller shall thereby relinquish all right to the occupancy of the said office so long as he shall hold a license or there shall remain in the certified and registered store of the premises for which the license is granted any spirits upon which the duty has not been paid and any distiller failing to comply with the provisions of this clause shall forfeit and pay the sum of one hundred pounds.

32. And be it enacted That every distiller or rectifier and compounder of spirits shall immediately on obtaining his license or a renewal thereof or not later than the seventh day thereafter furnish to the Chief Inspector of Distilleries a return in writing signed by him of every tun back charger still receiver vat or other vessel or utensil on the premises in respect of which he may be licensed which return shall also set forth a correct statement of the content in imperial gallons in each and every vessel or utensil as above enumerated as well as the number of imperial gallons that every inch of the height thereof is respectively capable of containing and such return shall not be held to be a lawful return until it shall have been verified and countersigned by two Inspectors of Distilleries and the said return so furnished shall be kept and registered by the Chief Inspector of Distilleries and all vessels or utensils found on the said premises which shall not be stated and mentioned in the said return shall be liable to be seized by any Inspector of Distilleries or other person appointed as aforesaid and any distiller who shall commence the operation of making or brewing worts or any rectifier who shall rectify any spirits before the provisions herein contained shall have been complied with shall forfeit and pay the sum of one hundred pounds.

Return of gauges.

33. And be it enacted That a particular description of the said certified store for the reception of spirits when distilled shall be made and registered by the Chief Inspector of Distilleries in the form set forth in the Schedule D to this Act annexed or in words to the like effect and kept by him with the other records of his office and that all spirits found in any place on the premises except in the said store so registered or in the vessels and utensils and in the manner hereinafter provided shall be forfeited and may be seized by any Inspector of Distilleries and the distiller on proof of spirits being found in any other place or part of the premises shall forfeit and pay the sum of forty shillings for every gallon of spirits so found.

Spirit store to be registered.

34. And be it enacted That a particular description of the said certified store for the reception of sugar treacle molasses malt grain or other material which may be used in the process of distillation shall be made and registered by the Chief Inspector of Distilleries in the form set forth in the Schedule D to this Act annexed or in words to the like effect and kept by him with the other records of his office and that all sugar treacle molasses malt grain or other material capable of fermentation or which may be used as aforesaid found in any part of the premises except in the certified store so registered shall be forfeited and may be seized by any Inspector of Distilleries and the distiller on proof of any such material being found in any other part of the premises except in the manner hereinafter provided shall forfeit and pay the sum of forty shillings for every hundred weight of materials so found.

Store for materials to be registered.

35. And be it enacted That every such wash charger as aforesaid shall be a close covered vessel the capacity or content of which shall not be less than that of the largest fermenting wash back and every such wash charger shall be connected with the wash still by one close metal pipe having a cock or cocks thereon one end of which pipe shall be fixed into the bottom of such wash charger and the other end thereof

Description of wash charger

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low wines' receiver

feints' receiver

low wines' and  
feints' charger

spirit receiver.

thereof shall be fixed into such still and to such wash charger there shall be one other close metal pipe having a cock thereon one end of which pipe shall be fixed into the pipe or trough communicating with the fermenting wash backs and the other end of such pipe shall be fixed into such wash charger and such wash charger shall not have any communication with any other vessel or utensil whatever and every such low wines' receiver as aforesaid shall be a close covered vessel with a pump fixed therein for the conveyance of low wines from such receiver into the low wines' and feints' charger and there shall be one close metal pipe externally visible for its whole length attached to and leading directly from the safe at the end of the worm of the wash still and fixed into every such low wines' receiver so that all low wines running into such pipe from such safe shall immediately be discharged therefrom into such low wines' receiver which receiver shall not have any communication with any vessel or utensil whatsoever except as aforesaid and every such feints' receiver as aforesaid shall be a close covered vessel with a pump fixed therein for the conveyance of feints from such receiver into the low wines' and feints' charger and there shall be one close metal pipe externally visible for the whole length attached to and leading directly from the safe at the end of the worm of the low wines' or spirit still and fixed into every such feints' receiver so that all feints running into such pipe from such safe shall immediately be discharged therefrom into such feints' receiver which receiver shall not have any communication with any vessel or utensil whatsoever except as aforesaid and every such low wines' and feints' charger as aforesaid shall be a close covered vessel connected with the low wines' or spirit still by a close metal pipe having a cock or cocks thereon one end of which pipe shall be fixed into the bottom of such charger and the other end shall be fixed into such still and each such charger shall have communication with the low wines' and feints' receiver respectively by means of close metal pipes one end whereof respectively shall be fixed to each such charger and the other end whereof shall be attached to the pump or pumps to be fixed as aforesaid in the low wines' receiver and feints' receiver respectively and such charger shall not have any communication with any other vessel or utensil whatsoever except as aforesaid and every such spirit receiver as aforesaid shall be a close covered vessel with a pump fixed therein for the conveyance of spirits from such receiver into the spirit vats in the certified and registered store for the reception of spirits and there shall be one close metal pipe externally visible for the whole length attached to and leading directly from the safe at the end of the worm of the spirit still and fixed into such spirit receiver in such manner as that all spirits running therein from such safe shall run directly and be discharged therefrom into such spirit receiver without resting in the said pipe and that each and every such charger and receiver shall be erected and kept in a convenient and public situation in the still house or to the approbation of the Chief Inspector of Distilleries and exposed to open view and easy of access and inspection on all parts thereof and that each such charger and receiver respectively shall have a sufficient cover thereon with a rectangular dipping hole cut in such cover not more nor less than an inch square and in which dipping hole there shall be placed a dipping rod to be provided by the distiller and if any charger or receiver shall be made use of in any distillery which shall not be erected kept and constructed in manner herein directed or which shall have any hole therein except a trap door in the cover thereof properly secured by the officer and a dipping hole as aforesaid or if any pipe or cock as aforesaid shall be made use of which shall not be placed kept and constructed in manner herein directed or if there be any communication with any other vessel

or

*Colonial Distillation.*

or utensil whatsoever other than as by this Act is required authorized and allowed then and in every such case such distiller shall forfeit and pay the sum of two hundred pounds and also the sum of twenty pounds for every day during which such charger or receiver or pipe or cock not strictly in accordance with the provisions of this clause shall remain in the distillery of such distiller.

36. And be it enacted That in no building nor in any part of the premises of the distillery shall any pipe or tube pass below the surface of the ground unless such pipe or tube be enclosed in a wooden case so constructed as to admit of its being opened and the pipe or tube exposed to view at the demand of any Inspector of Distilleries and any distiller who shall fail to comply with the provisions herein contained shall forfeit and pay the sum of two hundred pounds Provided always that the pipes used for the conveyance of water in any of the distilleries licensed previously to the passing of this Act shall not be affected by the provisions of this clause.

Underground pipes to be enclosed in wooden cases.

37. And be it enacted That the end of every tail pipe belonging to every still of every distiller or rectifier or compounder of spirits shall be enclosed and secured at the expense of the distiller or rectifier or compounder of spirits in such manner and by such mechanism and means as the Chief Inspector of Distilleries may direct and that all spirits low wines and feints running from such tail pipe shall run into a safe enclosed and secured in manner as aforesaid and shall be thence conveyed by a pipe open externally to the inspection of the officers for its whole length into the spirits' receiver or low wines' or feints' receiver or receivers as the case may be and if upon demand by the Chief Inspector of Distilleries the end of every such tail pipe shall not be secured by such mechanism and means as shall be so directed or if the whole of the spirits low wines and feints coming from any such tail pipe shall not be run into such safe so enclosed and secured as aforesaid or if such spirits low wines and feints respectively and every part thereof shall not be conveyed from such safe into the spirits' receiver or low wines' or feints' receiver or receivers as the case may be directly and by such pipe as aforesaid or if on the demand of the proper officer all the expenses incurred by providing and repairing or altering such mechanism or means of enclosing the end of such tail pipe and safe as aforesaid shall not be paid by or on behalf of such distiller or rectifier to such officer or if such mechanism and means of enclosing the end of such tail pipe and safe as aforesaid shall not be affixed and kept and preserved affixed as aforesaid or if at any time after the end of any such tail pipe and any such safe may have been enclosed and secured as aforesaid the mechanism or means by which the same shall be so enclosed and secured as aforesaid or any part thereof shall be destroyed or injured or if by any art or contrivance any access shall be gained or had without notice to and except with the knowledge and in the presence of an Inspector of Distilleries to any spirits low wines or feints from the time of the extraction or distillation thereof until the same have been taken account of by the proper officer in the proper receiver or receivers or if the officer shall be in any manner prevented from or baffled or defeated in the taking a true account of any spirits low wines or feints in any vessel whatsoever then and in every such case the distiller shall for every such offence forfeit and pay the sum of two hundred pounds.

Ends of tail pipes to be secured.

38. And be it enacted That every distiller shall provide and fix to the satisfaction of the Chief Inspector of Distilleries a proper discharge cock or plug and plug-hole in every fermenting wash back through which cock or plug-hole the wash in such wash back shall from time to time be conveyed by a main pipe or open trough into the wash charger and such main pipe or trough shall be placed and fixed in such manner that all wash or liquor put therein shall forthwith run

Discharge cocks of the fermenting backs.

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and be discharged from thence into such wash charger and not elsewhere except by a sewer cock fixed on such main pipe and properly secured and fastened and there shall not be any other pipe or conveyance entering into or passing out of any such wash fermenting back except the pipe or trough for conveying wort into such fermenting back from the coolers and if such discharge cock or plug shall not be provided and fixed as aforesaid or if such main pipe or open trough shall not be placed and fixed as aforesaid or if there shall be any other pipe conveyance or cock to or from any fermenting back except as aforesaid then and in every such case such distiller shall forfeit and pay the sum of two hundred pounds Provided always that nothing herein contained shall prevent any distiller from placing any close metal pipe or pipes in but not opening into any wash back for the purpose of conveying through such back hot or cold air or water for the purpose of promoting or retarding the fermentation of the worts or wash contained in such back.

Pipes &c. to be  
stanch.

39. And be it enacted That the pipes troughs sluices and cocks for the conveyance of worts into the fermenting backs of every distillery shall be secure and stanch so that there shall be no leakage therefrom and that any distiller who shall fail to repair and make secure and stanch any such pipe trough sluice or cock within twenty-four hours after receiving notice in writing to that effect from the officer on duty shall forfeit and pay the sum of one hundred pounds.

Utensils &c. to be  
kept in repair.

40. And be it enacted That every distiller or rectifier shall at his own expense and charge provide maintain and keep the several utensils cocks pumps pipes and troughs which are required by this Act and shall also provide maintain and keep in good repair and at his own expense and charge proper and sufficient fastenings to the satisfaction of the Chief Inspector of Distilleries or other officer appointed by the Governor for securing the several cocks and plugs required by this Act to be secured and for securing the covers of or belonging to the chargers and receivers hereinbefore mentioned respectively and also for securing the furnace doors pumps safes pipes vessels and utensils permitted allowed or required for the purposes mentioned in this Act and every distiller or rectifier failing herein shall forfeit and pay the sum of one hundred pounds.

Officer may lock  
coverings &c.

41. And be it enacted That it shall and may be lawful for any Inspector of Distilleries on duty at any distillery to lock secure and fasten the several coverings fastenings furnace doors cocks safes pipes pumps plugs troughs vessels and utensils for which fastenings are required to be provided in such manner as the Chief Inspector of Distilleries may direct as aforesaid and to keep the same and each and every of them so locked secured and fastened at all times except when they shall be opened unfastened or unlocked by or in the presence of any Inspector as aforesaid.

Dipping holes.

42. And be it enacted That at or near the top of every fermenting wash back and at or near the top of every charger or receiver and of every vat for storing or keeping spirits in the premises of any distiller there shall be an opening or dipping place at which the officer may conveniently take his dip or gauge of the contents of such vessel and all such backs and vessels respectively shall be placed and kept in convenient situations and shall be at all times easy of access to the officer for his more readily and effectually inspecting and examining them in every part and taking the dip or gauge thereof and if in any such back or vessel there shall not be such opening or dipping place so constructed and secured as aforesaid or if any such back or vessel shall not be placed and kept in a convenient situation and easy of access to the officer as aforesaid or if the officer shall at any time by any means whatever or in any manner whatever be prevented from ascertaining the

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the quantity and gravity or either of them of any wort or wash or the quantity or strength of any low wines feints or spirits then and in every such case such distiller offending therein shall forfeit and pay the sum of two hundred pounds.

43. And be it enacted That if the size situation or position of any vessel utensil or pipe shall be in any manner altered at any time after such return or plan as is required by this Act shall have been made or given thereof unless on such notice as is herein provided then in each and every such case such distiller or rectifier offending therein shall forfeit and pay the sum of two hundred pounds Provided always that it shall and may be lawful for such distiller or rectifier to alter the size situation or position of any such vessel or utensil or pipe or to erect and set up any new vessel utensil or pipe on receiving permission in writing from the Chief Inspector of Distilleries of such intended alteration specifying the particular vessel utensil or pipe and the size situation or position which is intended to be altered and making return of such new vessel utensil or pipe in manner hereinbefore mentioned and conforming in all respects to the regulations in this Act contained in that behalf.

Vessels &c. not to be altered.

44. Provided always and be it enacted That it shall and may be lawful for the Governor to permit and allow any distiller or rectifier working under the regulations of any Act or Acts in force prior to the passing of this Act to keep or use such of the vessels already fixed or used in the distillery of such distiller or rectifier as shall be reported by the Chief Inspector of Distilleries to be secure and adapted to the purposes for which such vessels are prescribed or required by this Act and that no distiller or rectifier to whom such permission shall be granted shall be liable to any of the penalties imposed by this Act in respect of such distiller or rectifier keeping or using any such vessels so permitted although the same may not be conformable with the provisions of this Act anything hereinbefore contained to the contrary notwithstanding.

Governor may allow distillers already licensed to use the vessels already erected.

45. And be it enacted That whenever any Inspector of Distilleries having reason to suspect that any fraud is practised against the Revenue or the provisions of this Act shall require that the water contained in any worm tub belonging to any still at any time when such still shall not be at work shall be drawn or run off and the tub and worm cleaned the water shall forthwith be drawn or run off and the tub and worm cleaned by the distiller or rectifier his servants or workmen and if the water shall not be so drawn or run off at the request of such officer and the tub and worm forthwith cleaned and the water kept and continued out of such worm and tub for the space of two hours or until the officer has finished his inspection and examination of such tub and the worm therein the distiller or rectifier at whose distillery such worm tub shall be situate shall forfeit and pay the sum of two hundred pounds and it shall be lawful for such officer to draw or run off and keep drawn or run off such water or so much thereof and for so long time as he shall think necessary.

Officer may empty worm tubs.

46. And be it enacted That the said certified and registered store for the reception of material to be used in the process of distillation may be opened for the purpose of admitting such material between the hours of eight in the morning and four in the afternoon only and all such material previously to such admission into the said store shall be weighed by the distiller or his servants in the presence and to the satisfaction of an Inspector of Distilleries who shall take account thereof and the said store shall be opened for the delivery of such material for the purpose of mashing between the hours only of six in the morning and three in the afternoon and immediately after such delivery such material shall be weighed by the distiller or his servants

Regulation of material store.

in

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in the presence and to the satisfaction of an Inspector of Distilleries who shall take account thereof and the material so weighed shall within one hour thereafter be conveyed into the underback or mash-tun of the distillery and any such distiller offending herein or failing or refusing to provide the necessary assistance for weighing such material shall forfeit and pay the sum of fifty pounds.

Notice book.

47. And be it enacted That the Chief Inspector of Distilleries shall provide a book to be called a notice book to be kept in every distillery or rectifying establishment by the distiller or rectifier as the case may be or by their servants and before any notice or declaration by this Act required to be given or delivered shall be so given or delivered an entry shall be made in such book stating the particulars of all such notices and declarations and such book shall at all times on demand be delivered to any Inspector of Distilleries at the distillery or rectifying establishment and if any distiller or rectifier or any person on his behalf to whom any such book shall be tendered shall refuse to receive the same or if the particulars of all such notices or declarations respectively shall not be inserted in such book or if any untrue entry shall be made therein or if such book or any entry therein shall be defaced obliterated or altered by any such distiller or rectifier or by any person employed in the distillery or rectifying establishment or if such book shall not at any time be delivered to any Inspector of Distilleries on his demanding the same then and in every such case such distiller or rectifier shall forfeit and pay the sum of two hundred pounds.

Entries in notice book to be effectual as against distiller or rectifier.

48. And be it enacted That any notice or declaration which shall be given or served by or on behalf of any distiller or rectifier upon any person upon whom the same ought to be given or served shall according to the true intent and meaning of such notice and declaration be taken to be good and effectual as against such distiller or rectifier although such notice or declaration shall not be in the form or shall not contain the several particulars or shall not be given or served on the person within the time by this Act prescribed or appointed for giving or receiving the same and upon the trial of any information or other proceeding relating to or in any manner touching or concerning any such notice or declaration it shall not be competent to or for such distiller or rectifier to allege any imperfection or defect in any such notice or declaration or in giving or serving the same.

Notice of mashing.

49. And be it enacted That from and after the passing of this Act it shall not be lawful for any distiller to commence mashing without having first served a written notice of at least sixteen hours on the officer on duty specifying therein the back or backs which he intends to set up and the material and the weight thereof which he intends to use in the twenty-four hours next following on the expiration of the said sixteen hours and that similar notice shall be given from day to day of every such mashing under a penalty of one hundred pounds Provided however that for every day after the first day a notice of at least six hours shall be sufficient instead of sixteen.

As to yeast and spent wash.

50. And be it enacted That it shall not be lawful for any distiller to add to the worts contained in any fermenting back any composition for exciting fermentation except after having served one hour's notice thereof on the officer on duty and in the presence of such officer and in any quantity not exceeding the proportion of ten gallons of any such composition to one hundred gallons of any such worts Provided however that at any time before the declaration first hereinafter mentioned it shall be lawful for the distiller to make use of spent wash in the preparation of worts in any quantity not exceeding the proportion of twenty gallons of such spent wash to one hundred gallons of any such worts and any distiller offending against the provisions or enactments herein contained shall forfeit and pay the sum of two hundred pounds.

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51. And be it enacted That before any worts shall be conveyed from the cooler into any fermenting back or backs the distiller shall give notice thereof to the officer on duty which notice shall specify the back or backs which are intended to be filled or set up and that any distiller failing herein shall forfeit and pay the sum of fifty pounds.

Notice of setting up  
backs.

52. And be it enacted That any such saccharometers may be used for ascertaining the specific gravity of wort or wash under this Act as shall from time to time be prescribed for that purpose by His Excellency the Governor of the said Colony and that every degree of specific gravity to be ascertained by any saccharometer under the provisions of this Act shall be calculated in the following manner that is to say that distilled water being assumed as unity at the temperature of sixty degrees by Fahrenheit's thermometer every degree of such specific gravity shall be correspondent to a thousandth part of the specific gravity of such water and all wort or wash shall for the purposes of this Act be deemed and taken to be of the specific gravity at which the said saccharometer shall on the application thereof denote or indicate such wort or wash to be.

Saccharometers.

53. And be it enacted That within twenty-four hours after any worts shall have been conveyed into the cooler the distiller or his servant shall deliver to the officer on duty a declaration specifying the number of the back or backs into which such wort shall have been conveyed and the specific gravity of such wort in such back or backs and the quantity thereof that is to say the number of inches not occupied or wetted by the worts being the space between the upper edge on the dipping place of such back or backs and the surface of the worts and if any worts shall be conveyed into and collected in any fermenting back or backs in any other manner than as is herein directed or if any untrue declaration shall be given or if such declaration shall not be given as is herein required then and in each and every such case the distiller shall forfeit and pay the sum of two hundred pounds.

Declaration of the  
highest specific  
gravity &c.

54. And be it enacted That if at any time beyond six hours after any such declaration as aforesaid shall have been delivered the specific gravity of any such worts or wash shall be found to exceed the specific gravity specified in such declaration by five per centum or if the quantity of any such worts or wash shall be found to exceed by five per centum the quantity of wort mentioned in such declaration as the quantity collected as aforesaid then and in each and every such case the distiller shall forfeit and pay the sum of two hundred pounds.

Increase of specific  
gravity or quantity.

55. And be it enacted That if at any time after any Inspector of Distilleries shall have taken an account of and ascertained the specific gravity and quantity of any wort or wash in any fermenting back any wort shall be found in such back or any wash in process of fermentation shall be found in such back which shall exceed in gravity by five per centum or more the wort or wash in such back of which such account had been taken or which shall exceed in quantity by five per centum or more the wort or wash in such fermenting back of which such account had been previously taken all such wort or wash in such back shall be considered as new wort or wash and not included in any former charge against the distiller in whose possession such wort or wash shall be found and such distiller shall be charged with duty in respect of the whole wort or wash in such back in like manner as such distiller is by this Act chargeable in respect of any wort or wash not before charged and the wort or wash of which such account had been previously taken in such back shall be deemed to be distilled or decreased and the distiller shall be charged for a quantity of spirits in respect of such wort or wash so deemed to be distilled or decreased in like manner as such distiller is chargeable under this Act for any wort

And proceedings  
thereon.

wort

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wort or wash actually distilled or decreased and such distiller shall also for every such offence forfeit and pay the sum of two hundred pounds.

Hydrometer.

56. And be it enacted That all spirits shall be deemed and taken to be of the degree of strength at which any hydrometer called Sykes' hydrometer shall upon trial by any Inspector of Distilleries or other person appointed as aforesaid denote such spirits to be.

Course of wash  
through the different  
vessels.

57. And be it enacted That all wash which shall be made in the distillery of any distiller shall be fermented in the fermenting wash backs of such distiller and shall be conveyed directly from thence into the wash charger and shall be conveyed from such charger into the wash still there to be made or distilled into low wines and all low wines shall be conveyed directly from the safe at the worm end of the wash still into the low wines' receiver and shall from thence be pumped up or conveyed into the low wines' charger and shall be conveyed directly from such charger or chargers into the low wines or spirit still there to be re-distilled and all feints or spirits produced by such re-distillation shall be conveyed directly from the safe at the worm end of the low wines' or spirit still into the feints' receiver or spirit receiver respectively and so much of such feints as shall be conveyed into such feints' receiver or receivers shall be pumped or conveyed directly from thence into the low wines' charger or feints' charger and shall be conveyed directly from such charger or chargers into the low wines' still to be re-distilled and the produce of the last mentioned re-distillation and of every other re-distillation shall in like manner be conveyed directly from the safe at the worm end of the low wines or spirit still into the spirits' receiver or into the feints' receiver or receivers and no feints conveyed into such feints' receiver or receivers shall in any case be removed from thence except by pumping or conveying such feints directly into the low wines' or feints' charger or chargers from whence such feints shall be conveyed directly into the low wines' still or stills for re-distillation until the whole of such feints shall be made into spirits and conveyed and run into the spirit receiver and no spirits conveyed into the spirit receiver shall be re-distilled or shall be removed from such receiver except into the vat or vats in the said certified and registered store for the reception of spirits and if any distiller shall ferment or suffer to be fermented any wash or shall remove or distil or suffer to be removed or distilled any wash low wines feints or spirits contrary or otherwise than according to the directions and provisions herein contained or shall not convey and run the whole of the spirits made or distilled by him into the spirit receiver such wash low wines feints and spirits respectively together with all vessels and utensils wherein the same may be contained shall be forfeited and may be seized by any Inspector of Distilleries and the distiller so offending shall in every such case forfeit and pay the sum of two hundred pounds or twenty shillings for every gallon of such wash low wines feints or spirits so removed or distilled and not conveyed and run into the spirit receiver at the election of the Chief Inspector of Distilleries or person who shall inform or sue for the same.

Wash charger to be  
cleaned out.

58. And be it enacted That if the wash charger in any distillery be not thoroughly cleaned out at least once in every week the distiller shall forfeit and pay the sum of fifty pounds.

Notice of charging  
the wash charger.

59. And be it enacted That one hour before any wash shall be conveyed from any fermenting wash back in the distillery of any distiller a notice in writing shall be given to the officer on duty by or on behalf of such distiller in which shall be stated the number of the back in which such wash is contained the specific gravity of such wash and the day and hour when such wash is to be removed and such officer



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officer shall attend at the time specified in such notice and after he shall have locked the charging cock of the wash charger he shall remove all such fastenings as prevent the conveyance of such wash from any back mentioned in such notice into the wash charger and thereupon all the wash which shall be contained in such fermenting wash back shall be conveyed into such charger in manner prescribed in this Act and such officer after having affixed and secured the fastenings which he had so removed shall be at liberty and authorized to take an account of the true quantity and specific gravity thereof in the wash charger and shall thereupon unlock the charging cock aforesaid and if any wash shall be removed before such notice shall have been given or shall be removed or conveyed from any other back or at any other time or manner than shall have been mentioned in such notice or before the officer on duty shall have locked removed or secured respectively such cocks or fastenings as before mentioned and taken account of the true quantity of the wash in such charger such distiller shall in every such case forfeit and pay the sum of two hundred pounds.

60. And be it enacted That it shall and may be lawful for any such officer as aforesaid and he is hereby authorized and empowered to take and convey away from any wash back or charger in the distillery of any distiller a sample not exceeding the quantity of twenty gallons of the wash contained in such back or charger and to cause such sample of wash to be distilled into low wines in any still provided for that purpose by order of the Governor and such officer shall gauge or measure the quantity and ascertain the strength of the low wines produced by the distillation of such wash. Provided always that such distiller shall be paid for any such sample of wash at the rate of sixpence for every gallon thereof or that the produce by distillation of any such sample of wash shall be returned to the distiller at the option of the Chief Inspector of Distilleries.

61. And be it enacted That it shall be lawful for the Chief Inspector to erect and keep a still in any distillery or in any place provided by order of the Governor for the purpose of distilling any such sample of wash as aforesaid and also for the purpose of distilling into spirits any wash low wines or feints seized by any Inspector of Distilleries at any unlicensed distillery.

62. And be it enacted That it shall be lawful for the Chief Inspector of Distilleries or other officer appointed by the Governor at any time to require that any low wines' receiver in the distillery of any distiller shall be emptied and cleaned out and that any quantity of wash shall be conveyed into any wash still in the distillery of such distiller and from any such wash back as such officer shall direct or require in order that such wash may be forthwith distilled into low wines and all persons in the employ of such distiller shall on reasonable notice give and provide aid and assistance and fuel to such officer at his request in distilling such wash into low wines and in conveying the whole of such low wines directly into such low wines' receiver which shall be so cleaned out and such low wines shall be kept in such receiver unmixed with any matter or thing whatsoever until such officer shall have taken an account of the quantity and strength of such low wines and if such low wines' receiver shall not be emptied and cleaned out or if such wash shall not be conveyed into such wash still or from such wash back as shall be required by such officer or if such aid and assistance and fuel shall not be given to such officer in the distilling such wash into low wines or in conveying the whole of such low wines into such receiver or if such low wines shall not be kept in such receiver unmixed as aforesaid until such officer shall have taken such account as aforesaid then and in every such

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such case every such distiller shall for each default or offence forfeit and pay the sum of two hundred pounds.

The quantity of proof spirit in the low wines' receiver not to exceed the quantity due from the wash.

63. And be it enacted That in every case whether low wines shall have been produced from wash distilled in the wash still in any distillery and conveyed into the low wines' receiver in such distillery as aforesaid or shall have been produced from any sample of wash taken by such officer as aforesaid and distilled in any still provided by order of the Governor as aforesaid such officer shall ascertain the quantity of proof spirit in and equivalent to such low wines according to the strength of such low wines and if such quantity of proof spirits so computed shall in any of the respective cases aforesaid exceed the rate or proportion of one gallon and one quarter of a gallon of proof spirits from each and every one hundred gallons of such wort or wash for and in respect of the several and respective rates of attenuation according to the composition of such worts or wash as hereinafter mentioned then and in each and every such case respectively the distiller shall forfeit and pay the sum of two hundred pounds and also the sum of sixpence for every gallon of wort or wash contained in the wash back from which such wash so distilled was removed or taken Provided always that such officer shall pay to every such distiller the value of every sample of wash which he shall so take away from such distiller or return the produce thereof and mix the low wines with the low wines of the wash back to which they belong Provided also that such distiller or any person acting on his behalf shall and may be present at the distillation of any such wash if such distiller or other person shall desire to be so present.

The contents of the backs not to be mixed in the wash charger.

64. And be it enacted That after any wash shall have been removed from any fermenting back in any distillery it shall not be lawful to remove any wash from any other fermenting back in such distillery until the whole contents of such first mentioned back shall have been taken a separate account of by the proper officer in the wash charger and conveyed into the wash still and if any wash shall be removed contrary hereto the distiller in whose distillery such offence shall be committed shall forfeit and pay the sum of two hundred pounds.

Notice of distillation from wine ale &c.

65. And be it enacted That it shall not be lawful for any distiller to have receive and to commence distilling from any wine ale beer or any fermented liquor whatsoever which shall not have been brewed or made in his distillery without first having served a written notice of at least two days on the Chief Inspector of Distilleries or the officer on duty of his intention so to do which notice shall specify the description and quantity of such liquor as aforesaid which he intends to use in the twenty-four hours next following on the expiration of the said two days and a notice of six hours to the like effect shall be served on the officer on duty from day to day for every day after the first day and any distiller offending herein shall forfeit and pay the sum of two hundred pounds.

The produce from worts made on the premises not to be mixed with produce of liquor fermented elsewhere.

66. And be it enacted That it shall not be lawful for any distiller to mix or suffer to be mixed in any charger still receiver or vat or in any vessel or utensil whatsoever any worts or wash made or fermented in his distillery or any low wines feints or spirits produced therefrom with any wine ale beer or any fermented liquor whatsoever which shall not have been fermented or made in his distillery or with any low wines feints or spirits produced therefrom and any distiller offending against the provisions of this enactment shall forfeit and pay the sum of two hundred pounds.

Distillery to be lighted in the night time.

67. And be it enacted That lamps or lights to the satisfaction of the officer on duty shall be kept burning at all hours between sunset and sunrise when the distillery shall be in operation and any distiller offending herein shall forfeit and pay the sum of ten pounds.

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68. And be it enacted That if any material capable of fermentation shall be brewed or mashed or if any still shall be made use of in the distillery of any distiller licensed under this Act during any part of the Lord's Day such distiller in each and every such case shall forfeit and pay the sum of fifty pounds.

69. And be it enacted That from and after the commencement of this Act it shall be lawful to charge the distiller with duty upon the quantity of proof spirit produced by him as well as upon any deficiency ascertained in the manner hereinafter directed.

70. And be it enacted That at the expiration of each and every three months and not later than the tenth day of the month next thereafter ensuing a computation shall be made and a copy thereof served on the distiller by the Chief Inspector of Distilleries or other officer appointed by the Governor of the quantity of proof spirit made by the distiller during any such period of three months from worts or wash mashed fermented or made in his distillery and after making an allowance of five per centum on such quantity and a further allowance or charge as the case may require of two and one half per centum on the low wines and feints on hand at the commencement and expiration of such period the quantity so computed and ascertained shall be compared with the quantity of proof spirit which ought to have been produced from the worts or wash mashed fermented or made by the distiller according to the several and respective rates hereinafter expressed and as the case may require according to the enactments herein contained that is to say for and in respect of every one hundred gallons of worts or wash which shall be mashed fermented or made in the distillery of any distiller from malt or grain or any mixture of malt with grain it shall be lawful to compute a quantity of proof spirit at the rate of one gallon of proof spirit for every five degrees of specific gravity of such worts or wash which shall have been attenuated that is to say for every five degrees of difference between the highest specific gravity of such worts or wash as declared by the distiller and the lowest decreased specific gravity of the same worts or wash as declared by the distiller or as appearing on any account taken thereof by the proper officer pursuant to this Act previously to the distillation of such worts or wash and for and in respect of every one hundred gallons of worts or wash which shall be mashed fermented or made in the distillery of any distiller from sugar molasses or treacle at the rate of one gallon of proof spirit for every four and one half degrees of specific gravity attenuated and ascertained in manner aforesaid and such computation of proof spirit shall be made at the same rates and proportions of attenuation for any lesser quantity of such worts or wash and for any less decrease of specific gravity as the case may require and if by such computation it shall appear that the quantity of proof spirit produced by the distiller and conveyed into the certified and registered store of the distillery and remaining on hand in low wines and feints as aforesaid during the said period be less than the quantity of proof spirit which ought to have been produced from the worts or wash mashed fermented or made in the distillery during the same period according to the rates herein expressed then and in every such case the distiller shall pay duty on such deficiency.

71. And be it enacted That whenever any such deficiency shall be found to exist it shall not be lawful for any distiller after he shall have been served with a copy of such computation and before the production to the officer on duty of a certificate of the due payment of the full duty chargeable on such deficiency signed by the Colonial Treasurer for the time being or other person appointed by the Governor to receive the same either to commence the operation of mashing or

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to remove any spirits out of the certified and registered store and any distiller offending herein shall forfeit and pay the sum of two hundred pounds.

Definition of quarterly periods.

72. And be it enacted That the aforesaid periods of three months shall be deemed to have ended with the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December respectively in every year.

A regulation to facilitate monthly and quarterly accounts.

73. And in order to facilitate the preparation of monthly and quarterly accounts and computations Be it enacted That between the hours of ten o'clock in the night time of the last day of every month and six o'clock in the morning thereafter ensuing it shall not be lawful for any distiller to have or keep any feints low wines or spirits in any vessel in his distillery except in the chargers and in the vats in the certified and registered store for the reception of spirits nor to have or keep in any vessel any wort or wash the lowest specific gravity of which shall have been declared pursuant to this Act and any distiller offending herein shall forfeit and pay the sum of fifty pounds.

Distiller made chargeable according to the highest gauge.

74. And be it enacted That every distiller shall in respect of all worts or wash in his distillery be chargeable and charged according to the highest gauge of quantity which shall at any time be taken thereof and according to the highest amount of the specific gravity thereof at any time declared by such distiller or ascertained by any Inspector of Distilleries without any allowance for waste spent wash dregs yeast or other matter whatsoever and if any decrease more than five per centum shall take place in the quantity of wort or wash in the distillery of any distiller the amount of such decrease shall be deemed and taken to have been distilled by such distiller and such distiller shall be chargeable and charged with a quantity of spirit in proportion to the decrease of any such wort or wash according to the directions of this Act.

Officer may take samples and make trials.

75. And be it enacted That it shall and may be lawful for any Inspector of Distilleries from time to time and whenever and as often as such Inspector shall deem expedient so to do to take any sample or samples of any wort wash low wines feints and spirits respectively in any back still receiver charger or other vessel or utensil whatsoever in the distillery of any distiller in order that such officer may ascertain the specific gravity or strength of such worts wash low wines feints and spirits respectively and from such part of any such back still receiver charger or other vessel or utensil as the officer shall think proper and the specific gravity or strength of any such sample so taken shall be and be held to be the true and correct specific gravity or strength of the whole contents of the back still receiver charger or other vessel or utensil from which any such sample shall be so taken Provided always that before any such sample shall be so taken all the liquor contained in any such back still receiver charger or other vessel or utensil may be stirred and mixed up and mixed together by such distiller or any person in the employ of such distiller if he shall think fit so to do.

Spirits to be kept in vats only.

76. And be it enacted That within the certified and registered store for the reception of spirits the spirits shall be kept in vats only and not in casks and that no vat shall be erected in the said store which is not capable of containing at least one thousand liquid gallons and that every distiller who shall not comply with the enactments of this clause shall forfeit and pay the sum of fifty pounds.

Stock account to be kept.

77. And be it enacted That the proper officer shall keep a true account by way of debtor and creditor of the stock of spirits in the certified and registered store of every distiller licensed under this Act and shall in such account debit such stock with the full quantity of spirits computed at proof which shall be from time to time conveyed into such stock and credit the same with the full quantity of spirits

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spirits computed at proof which shall be from time to time sent out of such stock and at the expiration of every month such officer shall ascertain the actual quantity or stock of spirits which shall then be in the certified and registered store of the distillery for the purpose of balancing the said account and if at any time the quantity of spirits in the certified and registered store of any distiller shall be less than the quantity of spirits which by the stock account kept by such officer ought to be in the stock or possession of such distiller every such distiller shall forfeit and pay the sum of ten shillings for every gallon of spirits which shall be deficient. Provided always that no distiller shall be liable to such forfeiture in any case where such deficiency or decrease shall not be greater than at the rate of six per cent. per annum and such distiller shall prove to the satisfaction of the Chief Inspector of Distilleries that such decrease did not result from any fraud practised or intended.

78. And be it enacted That it shall not be lawful to mix with nor add to any low wines feints or spirits on the premises of any distiller any sugar syrup or any glutinous or saccharine or other matter or thing whereby the gravity of such low wines feints or spirits shall be increased or so as to prevent the true strength thereof being ascertained by the hydrometer and if it shall at any time be found that any sugar syrup or other glutinous or saccharine or other matter shall be so mixed with or added to any low wines feints or spirits in the distillery of any distiller such distiller shall forfeit and pay for every such offence the sum of two hundred pounds and all low wines feints and spirits so mixed shall be forfeited and may be seized by any Inspector of Distilleries. Provided always that nothing herein contained shall prevent any distiller from mixing any colouring matter with his spirits in the spirit vats in the certified and registered stores of the distillery.

No syrup &c. to be mixed with spirits.

79. And be it enacted That out of the said vat or vats spirits shall be drawn only between the hours of ten o'clock before noon and two o'clock in the afternoon and in the presence of an Inspector of Distilleries.

Time for drawing spirits.

80. And be it enacted That no cask or vessel of any kind shall be admitted into the certified and registered store for the reception of spirit for the purpose of being filled from any of the said vats which shall not be capable of containing at least forty imperial gallons and that no cask or vessel of any kind after having been filled from the said vats or from any of them shall remain in the said store more than forty-eight hours but that if the duty due on the spirits contained in any such casks or vessels be not paid within forty-eight hours or if the said casks or vessels be not removed within the same forty-eight hours the contents of the said casks or vessels shall be returned into the vat or vats and the casks or vessels placed outside of the said store for the reception of spirits and any distiller who shall keep any such cask or vessel more than forty-eight hours within such store or who shall refuse or fail to return the contents of such cask or vessel into the vat or vats as herein enacted shall forfeit and pay the sum of fifty pounds. Provided that nothing herein contained shall prevent such distiller from keeping any cask or vessel longer than forty-eight hours within such store upon receiving permission in writing from the Chief Inspector of Distilleries so to do.

Limitation in the size of casks.

81. And be it enacted That in case any spirits or any other property whatsoever shall be destroyed by fire or any other accident it shall not be lawful for the distiller proprietor or other person whatever to claim or demand or to maintain any action or suit against Her Majesty or against any officer or person acting under the authority of this Act for any compensation or damages for or on account or by reason of such accident and no duty shall be demanded or paid for

Accidents by fire or otherwise.

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any spirits so destroyed as aforesaid nor for any spirits lost by the leakage of any vessel Provided that the Chief Inspector of Distilleries or other officer appointed by the Governor shall certify that a loss has arisen from such a cause.

Colonial Treasurer's  
certificate of pay-  
ment of duty.

82. And be it enacted That the duties chargeable on spirits distilled within the Colony of New South Wales and its Dependencies or on any deficiency appearing on any account at the expiration of any period of three months as aforesaid shall be paid to the Colonial Treasurer of the said Colony or to such other person or persons as the Governor shall appoint to receive the same who shall grant a certificate of such payment to the party paying the same and such certificate shall be filed in the office of the Chief Inspector of Distilleries.

Property on the  
premises liable for  
duties in arrear or for  
penalties incurred.

83. And in order to secure the duties chargeable on spirits by this or any other Act or from time to time due and owing and in arrear from any distiller or distillers and for the enforcement of any penalty or penalties incurred by any distiller for any offence or offences by him or them committed against this or any other law or laws relating to spirits Be it enacted That all worts wash low wines feints and spirits and all materials preparations utensils and vessels for the making thereof in the custody or possession of such distiller or in the custody or possession of any person or persons to the use of or in trust for him or into whose hands soever the same shall come and by what conveyance or title soever the same shall be claimed shall be subject and liable to and the same are hereby made chargeable with all the duties in arrear or owing from time to time from or by such distiller and shall also be subject and liable to all penalties and forfeitures incurred by such distiller for any offence or offences by him her or them committed against this or any other law or laws relating to spirits and it shall and may be lawful in all such cases to levy thereupon such duties penalties and forfeitures and use such proceedings for the recovery or enforcement thereof as might lawfully be done in case the debtors or offenders were the true and lawful owners of such worts wash low wines feints and spirits materials preparations utensils and vessels Provided always that when the same shall come into the hands and possession of any third person or persons by any *bonâ fide* sale and delivery made before any such duties have been charged or become chargeable upon or any such penalties or forfeitures have been incurred by the distiller or distillers by whom the same respectively shall have been so sold and delivered as aforesaid no such worts wash low wines feints or spirits materials preparations vessels or utensils shall be subject or liable to or be made chargeable with such duties penalties or forfeitures as herein mentioned.

Permits for the  
removal of spirits.

84. And be it enacted That it shall not be lawful to send take or remove any spirits out of the premises of any distiller except between the hours of ten in the forenoon and four in the afternoon and without having a permit to remove the same signed by an Inspector of Distilleries or other officer appointed by the Governor such permit to contain the distiller's name and place from whence the spirits are to be removed the vessel or vessels in which the said spirits are contained and the quantity of spirits contained in each and every such vessel or vessels and the name and residence of the person or persons to whom such spirits are to be sent and forwarded and such permit shall also specify the time or duration such permit is to be in force Provided that such permit shall not be granted by the Inspector of Distilleries or other officer appointed as aforesaid for the removal of any spirits which shall not have been previously lodged and deposited in the certified and registered store for the reception of spirits and provided that at the time such permit is required the distiller or other person requiring such permit shall give to such Inspector of Distilleries

or

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or other officer aforesaid the certificate of the said Colonial Treasurer or other person appointed as aforesaid that the duty upon such spirits intended to be removed has been duly paid.

85. And be it enacted That all spirits removed from the premises of any distiller without a permit as aforesaid or after the time authorized by this Act shall have expired shall be seized and forfeited together with the cask or casks in which the same shall be contained and the cars carts drays or other conveyances and the horses or other animals employed in removing the same. Spirits removed without permit may be seized.

86. And be it enacted That it shall and may be lawful for any Inspector of Distilleries Officer of Customs or other person appointed as aforesaid to stop and detain any person who shall be found removing or carrying any spirits of any kind from the premises of any distiller and to demand the production of the permit or permits as aforesaid accompanying such spirits and on being satisfied that the spirits are the same in quantity quality sort or kind and strength as expressed in such permit or permits and that the duty payable by law in respect thereof has been paid or secured to be paid for the same such officer shall indorse on such permit or permits the time hour and place of such examination and shall sign his name thereto and if any person so found removing or carrying away such spirits which are by law required to be accompanied with a permit shall refuse to produce such permit or permits as aforesaid immediately on being required so to do by any officer for the purposes aforesaid or shall be found removing or carrying any such spirits without a lawful permit every such person shall for every such offence forfeit and pay the sum of one hundred pounds and it shall be lawful for such officer and he is hereby authorized empowered and required to stop arrest and detain every such person and to convey the said person together with the spirits so found removing or carrying by or with him before one or more of Her Majesty's Justices of the Peace residing near to the place where any such person shall be so stopped or arrested and it shall be lawful for such Justice or Justices of the Peace and he and they is and are hereby required and shall have full power and authority to hear and determine in a summary way any information against any such person so stopped or arrested under the provisions of this Act and on the confession of any such person or upon proof on oath by one or more credible witness or witnesses to convict such person in such penalty as aforesaid and no such penalty shall be mitigated by any Justice or Justices below one-fourth part thereof. Officers may stop persons removing spirits and examine permits.

87. And be it enacted That every permit used for any purpose whatever other than to accompany the removal and delivery of the spirits for which such permit was obtained and granted and at the time limited and to the place expressed in such permit shall be deemed and taken to be an unlawful permit. Unlawful permits.

88. And be it enacted That it shall not be lawful for any distiller or agent of any distiller to have keep or make use of any store for the sale of duty paid spirits at any place nearer to any part of the premises of any distillery than five hundred yards and every distiller or agent of any distiller offending against the provisions of this enactment shall forfeit and pay the sum of two hundred pounds. Distance between duty paid spirit store and distillery.

89. And be it enacted That every person who shall sell or dispose of or who shall offer to sell or dispose of any quantity of illicit spirits or spirits part of which is illicit shall forfeit and pay a penalty of one hundred pounds and that every person who shall knowingly purchase any such spirits shall forfeit and pay a similar penalty of one hundred pounds together with the forfeiture of the said spirits so purchased. Penalty on parties selling or purchasing illicit spirits.

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Warehousing of  
spirits distilled in  
the Colony.

90. And whereas it is expedient to permit the warehousing under bond and the exportation of spirits distilled in the Colony without payment of duty Be it enacted That it shall be lawful to remove spirits from the certified and registered store of any distillery and to warehouse the same in any warehouse appointed by the Collector or other Chief Officer of Customs for that purpose without the payment of any duty on the first entry thereof in the manner and upon the fulfilment of the conditions and regulations hereinafter mentioned.

Officer of Customs to  
give a receipt for  
spirits removed.

91. And be it enacted That upon the delivery of the warrant hereinafter mentioned to the officer on duty at the distillery such officer shall deliver the spirits therein described to the officer of Customs appointed to convey the same to the bonded warehouse who shall give a receipt for the same to the officer on duty.

Collector of Customs  
may appoint bonding  
warehouses.

92. And be it enacted That it shall be lawful for the Collector or other Chief Officer of Customs to appoint any of the bonding warehouses now or hereafter under his supervision for the purpose of lodging under bond any spirits distilled under the provisions of this Act.

Custom House entry  
and security by bond.

93. And be it enacted That before any spirits shall be removed from the certified and registered store of any distillery to any bonding warehouse an entry of the same in the usual and proper form for warehousing goods under bond shall be passed at the Custom House and the person entering the same shall give security by bond in double the amount of duty which would be payable thereon if taken out of the said store for home consumption with one sufficient surety to be approved of by the Collector or other Chief Officer of Customs that the said spirits shall be warehoused to the satisfaction of the said Collector or other Chief Officer of Customs and thereupon the said Collector or other Chief Officer of Customs shall grant a warrant for the removal of such spirits from the said registered store of the distillery to the bonding warehouse named in the warrant and the said spirits shall be re-gauged by the proper officer at the same time and the distiller shall be liable to pay the full amount of duty on any deficiency which may appear between the quantity and strength of the spirits so re-gauged and the quantity and strength of the spirits for which a permit shall have been granted as aforesaid for removal to the bonded warehouse and after such spirits have been so deposited in such bonding warehouse and re-gauged as aforesaid they shall be subject to the same rules and regulations in respect to re-gauging and leakage as imported spirits are when in bond.

Spirits may be re-  
moved to any Colonial  
port under bond.

94. And be it enacted That spirits warehoused as aforesaid being first duly entered at the Custom House may be delivered under the authority of the Collector or other Chief Officer of Customs without payment of duty for the purpose of removal to any port within the boundaries of the said Colony under bond to the satisfaction of the said Collector or other Chief Officer of Customs for the due arrival of such goods at such port and for the payment of the duty payable thereon before being landed to the officer appointed to receive the same.

Spirits may be ex-  
ported.

95. And be it enacted That it shall and may be lawful to export spirits distilled in the Colony to parts beyond the seas without payment of duty.

Spirits may be ex-  
ported under bond.

96. And be it enacted That before any spirits distilled in the Colony and deposited in any such bonding warehouse shall be exported to places beyond the boundaries of the Colony without payment of duty the person exporting the same shall pass an entry outwards in the usual manner and shall enter into bond in double the amount of the duty which would be payable thereon if entered for home consumption with one sufficient surety to be approved of by the Collector



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or other Chief Officer of Customs that the same shall be landed at the place for which they shall be entered outwards or be otherwise accounted for to the satisfaction of the said Collector or other Chief Officer of Customs.

97. And be it enacted That in every case where spirits deposited in any such bonding warehouse in manner aforesaid are wanted for home consumption the usual bills of entry for the payment of the duty shall be passed at the Custom House one of which bills shall be delivered to the Colonial Treasurer or to any other officer appointed by the Governor for that purpose and the amount of duty due thereon paid to him or to such other officer as aforesaid who shall grant a receipt for the same and upon the production of that receipt to the Collector or other Chief Officer of Customs he shall grant a warrant for the delivery of the spirits in the same manner and form as is provided in the case of imported spirits to be delivered from the warehouse.

Duty on spirits in bonded warehouse to be paid to Colonial Treasurer when required for home consumption.

98. And be it enacted That within one month after the thirty-first day of December in each year after the passing of this Act returns shall be made up and published in the *New South Wales Government Gazette* of all Colonial distilled spirits received into the bonding warehouses during the preceding year of all Colonial distilled spirits cleared both for home consumption and for exportation from the said warehouses for the same period and of all Colonial distilled spirits remaining therein on the last day of the year.

Return of Colonial spirits warehoused to be published in the Government Gazette.

99. And be it enacted That if any rectifier shall have in his custody or possession any wort wash or any fermenting or fermented liquor or any materials prepared or fit for the purpose of being distilled or rectified into low wines or spirits or any material whatsoever capable of fermentation after admixture with water or otherwise not being spirits already and elsewhere made and distilled and on which the full duty for spirits has been already paid or any material whatsoever which may add to the alcohol contained in the quantity of spirits to be rectified then and in any such case such rectifier shall forfeit and pay a sum of not less than one hundred nor more than five hundred pounds.

Rectifiers not to keep worts &c. on their premises.

100. And be it further enacted That there shall be a cock at the end of the tail pipe of every still used by every rectifier of spirits and that no such rectifier shall have or keep any opening fixed pipe or other conveyance whatever leading to any still or stills belonging to or used by such rectifier other than and except one charging pipe to each such still nor shall have or keep any opening fixed pipe or other conveyance whatever leading from any such still or stills save and except the discharge cock to each still respectively belonging and the head of such still terminating in the worm and proper locks and fastenings shall be provided and maintained by such rectifier at his own expense and charge and subject to the approval of the Chief Inspector of Distilleries for properly and sufficiently locking and securing the charge and discharge cock and the door of the furnace and the cock at the end of the tail pipe of each and every still respectively used by such rectifier which locks and fastenings shall be locked and sealed by an Inspector of Distilleries who shall have the custody of the keys thereof and if any such rectifier shall have or keep any opening fixed pipe or other conveyance (not before excepted) leading to or leading from such still or stills or shall refuse to provide and maintain such locks and fastenings as aforesaid or shall prevent or hinder the officer from affixing any lock or fastening as aforesaid or if by any means device or contrivance whatsoever any lock seal or fastening shall be opened broken or removed by any rectifier or by any person in his employ or under

Regulation of rectifier's apparatus.

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under his command at any time after the same shall have been locked made or secured by any Inspector of Distilleries or if any such rectifier shall wilfully open break or damage or cause or suffer to be opened broken or damaged any of such locks seals or fastenings as aforesaid every such rectifier shall for every such fixed pipe opening or conveyance (not before excepted) and for every such lock seal or fastening so opened broken or damaged forfeit and pay the sum of two hundred pounds.

Rectifier to give notice of charging still.

101. And be it enacted That it shall not be lawful for any rectifier of spirits to charge his still or to commence the rectifying of spirits without first giving notice to an Inspector of Distilleries either personally or at his usual place of abode or at such place as the Chief Inspector of Distilleries shall appoint of his intention so to do and such notice shall be given in writing at least twenty-four hours before such rectifier shall charge his still and shall contain full particulars of the description of spirits it is his intention to rectify and of the quantity and strength thereof and any rectifier who shall charge his still or commence to rectify spirits without first giving such notice shall forfeit and pay the sum of fifty pounds.

Quantity and strength of spirits in rectifier's still to agree with the notice.

102. And be it enacted That it shall be lawful for any Inspector of Distilleries at all times to ascertain the quantity and strength of the spirits contained in the still of any rectifier and to take an account thereof and if at the time specified in the notice last aforesaid the quantity and strength of such spirits so ascertained and taken an account of by such officer shall be found not to agree with the quantity and strength as set forth by such rectifier in such notice last aforesaid such rectifier shall forfeit and pay the sum of fifty pounds.

Regulation of the operation of rectifying.

103. And be it enacted That every such rectifier of spirits shall before beginning to run off any spirits from any still charge the same with a quantity of liquor in the proportion of not less than seven parts in ten of the whole quantity of liquor which any such still exclusive of the head thereof is capable of containing and such still shall remain and continue so charged until the rectifier shall begin to run off spirits therefrom and such still shall be worked off within six hours to be computed from the time of the officer taking the gauge thereof and if any such rectifier shall begin to draw off any spirits from any such still not so charged or shall not work off the same within such six hours such rectifier shall forfeit and pay the sum of fifty pounds.

Officer may secure rectifier's apparatus.

104. And be it enacted That at the expiration of the said six hours or as soon as the still of such rectifier shall have ceased to run it shall be lawful for any Inspector of Distilleries to open and secure the discharge cock and to shut and secure the charge cock and the cock at the end of the tail pipe and the door of the furnace of any such still in such manner as shall be approved of by the Chief Inspector of Distilleries so to remain until they shall be again shut or opened and secured as the case may require by any Inspector of Distilleries.

Quantity of spirit produced by the rectifier not to exceed the quantity put into his still.

105. And be it enacted That it shall be lawful for any Inspector of Distilleries to ascertain and take an account of the quantity and strength of the spirits rectified by any rectifier in pursuance of any such notice as aforesaid and if the number of gallons of proof spirit produced by each process of rectifying shall be found to exceed in any case the number of gallons of proof spirit as ascertained and taken an account of by any such officer in the still of any such rectifier or if by any device or contrivance any such officer shall be prevented from ascertaining and taking a true account of the quantity and strength of any such spirit every such rectifier shall forfeit and pay the sum of one hundred pounds.

Governor may make rules and appoint officers.

106. And be it enacted That it shall and may be lawful for the said Governor to make such rules and regulations as he may think necessary

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necessary to carry the provisions of this Act into effect and to appoint such officers and other persons for that purpose as he may deem fit and proper.

107. And be it enacted That no Inspector of Distilleries nor any other person employed to carry into effect the provisions of this Act shall be liable to serve on any jury or inquest or in any parochial or other office whilst he is so employed any law usage or custom to the contrary notwithstanding. Officers exempt from juries &c.

108. 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 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 or any other Act now or hereafter in force relating to the distillation of spirits 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 this or any other such Act as aforesaid may be evaded shall forfeit and pay a like penalty or sum of two hundred pounds. Penalty on persons offering bribes and on officers receiving the same.

109. And be it enacted That it shall and may be lawful to and for any Inspector of Distilleries or any person acting in his aid or assistance by night or by day to break up any ground in any part of the distillery or premises of any distiller or any ground near to or adjoining such distillery or through any wall or partition thereof or belonging thereto to search for any pipe or cock or any private conveyance or utensil and upon finding any such pipe or conveyance leading therefrom or thereto to break up the ground house wall or other place through or into which such pipe or other conveyance shall lead and break up or cut away any such pipe cock or other conveyance and to turn any cock or cocks and to examine whether such pipe or other conveyance may or can convey or conceal any wort wash or other liquor fit for distillation or low wines feints or spirits from the sight or view of the officer so as to hinder or prevent him from taking or keeping a true account thereof. Officers may break up ground on the premises of a distillery.

110. And be it enacted That it shall be lawful for any Inspector of Distilleries or other person appointed for that purpose by the Governor to enter into and upon the premises of any distiller or rectifier of spirits to search for and seize any spirits the duty on which has not been paid and which may be kept or concealed thereon in any manner contrary to the provisions of this Act. Officer may enter premises and seize spirits.

111. And be it enacted That no writ shall be sued out nor a copy of any process served upon any Inspector of Distilleries or other person so appointed by the Governor as aforesaid for anything done in the exercise of his office until one calendar month after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent for the party who intends to sue out such writ or process in which notice shall be clearly and explicitly contained the cause of action the name and place of abode of the person who is to bring such action and the name and place of abode of the attorney or agent and no evidence of the cause of such action shall be produced except of such as shall be contained in such notice and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given and in default of such proof the defendant shall receive in such action a verdict and costs. Officer to have notice of action.

112. And be it enacted That every such action shall be brought within three calendar months after the cause thereof and the defendant may plead the general issue and give the special matter in evidence Actions to be brought within three months &c.

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and if the plaintiff shall become nonsuited or shall discontinue the action or if upon a verdict or demurrer judgment shall be given against the plaintiff the defendant shall receive treble costs and have remedy of the plaintiff as any defendant can have in other cases where costs are given by law.

Judge may certify probable cause of seizure.

113. And be it enacted That in case any information or suit shall be brought to trial on account of any seizure made under this Act and a verdict shall be found for the claimant thereof and the Judges or Court before whom the cause shall have been tried shall certify upon the record that there was probable cause of seizure the claimant shall not be entitled to any costs of suit nor shall the person who made such seizure be liable to any action indictment or other suit or prosecution on account of such seizure and if any action indictment or other suit or prosecution shall be brought to trial against any person on account of such seizure wherein a verdict shall be given against such defendant the plaintiff besides the things seized or the value thereof shall not be entitled to more than two-pence damages nor to any cost of suit nor shall the defendant in such prosecution be fined more than one shilling.

Officer may tender amends.

114. And be it enacted That it shall be lawful for any Inspector of Distilleries or other person as aforesaid within one calendar month after such notice to tender amends to the party complaining or his agent and to plead such tender in bar to any action together with other pleas and if the jury shall find the amends sufficient they shall give a verdict for the defendant and in such case or in case the plaintiff shall become nonsuited or discontinue his action or judgment shall be given for the defendant upon demurrer then such defendant shall be entitled to like costs as he would have been entitled to in case he had pleaded the general issue only Provided always that it shall be lawful for such defendant by leave of the Court where such action shall be brought at any time before issue joined to pay money into Court as in other cases.

Property seized to be claimed within ten days.

115. And be it enacted That all spirits and other property seized under the provisions of this Act shall be considered as condemned unless claimed within ten days after the same shall be seized and shall be sold by public auction.

Claims to be lodged with Colonial Treasurer.

116. And be it enacted That all claims for spirits or other property seized as forfeited under this Act shall be lodged within ten days after the seizure shall have been made with the Colonial Treasurer for the time being.

Admission of claims to property seized.

117. And be it enacted That no claim to any spirits or other property seized under this Act and returned into any of Her Majesty's Courts for adjudication shall be admitted and that no appearance shall be permitted to be entered to any information filed for the forfeiture of any spirits or other property seized for any cause of forfeiture under this Act unless such claim or appearance is entered in the name of the owner of such spirits or other property so seized describing the place of residence and the business or profession of such owner and if such owner shall reside in Sydney or within twenty miles thereof oath shall be made before one of the Judges of the Court in which such information is filed or before one of the Justices of the Bench of Magistrates before whom any cause of forfeiture shall be tried for spirits or other property seized as forfeited under this Act that the spirits or other property so seized was or were really and truly the property of him at the time of such seizure but if such owner shall not be resident in Sydney or within twenty miles thereof then and in such case such oath shall be made in like manner by the agent attorney or solicitor by whom such appearance shall be entered that he has full power and legal authority and directions from such owner to enter such appearance and

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and to the best of his knowledge and belief such spirits or other property were at the time of the seizure thereof *bonâ fide* the real property of the party in whose name such appearance is entered and on failure thereof the spirits and other property shall be absolutely condemned and judgment be entered thereon by default according to the usual method of proceedings of the Court in the same manner as if no appearance had been entered thereto and every person who shall be convicted of making or taking a false oath to any of the facts hereinbefore directed or required to be sworn to shall be deemed to be guilty of perjury and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

118. And be it enacted That upon the entry of any claim to any spirits or other property seized for any cause of forfeiture or of any appearance to any information filed for such forfeiture the person who shall enter such claim or appearance if such claimant shall reside within the Colony shall be bound by a recognizance (to be entered into before one of the Judges of the Supreme Court or Justices of the Peace before whom the said cause or matter is to be inquired into) with two sufficient sureties in the penalty of one hundred pounds to answer and pay the costs occasioned by such claim or appearance and if the owner shall not reside within the said Colony then and in such case the agent attorney or solicitor by whose directions such claim or appearance shall be entered shall in like manner be bound with two sufficient sureties in like penalty to pay the costs occasioned by such claim or appearance.

119. And be it enacted That all informations suits or actions for the recovery of any fine forfeiture or penalty imposed by this Act may be heard and determined in a summary way before any two or more Justices of the Peace or the Judges of the Supreme Court at the instance of any Inspector of Distilleries and that any such information suits or actions shall and may be filed or instituted in the name of Her Majesty's Attorney General for the said Colony or of the Chief or other Inspector of Distilleries and that if a question should arise whether any person is the Chief or other Inspector of Distilleries as aforesaid *vidâ voce* evidence may be given of such fact and shall be deemed legal and sufficient evidence.

120. And be it enacted That actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act may be commenced and prosecuted at any time within one year after the offence committed by reason whereof such penalty or forfeiture shall be incurred.

121. And be it enacted That informations before any Justice of the Peace for any offences committed against this or any other Act now or hereafter in force relating to the distillation or rectifying of spirits and all convictions for such offences and all warrants of Justices of the Peace founded upon such convictions shall be drawn respectively in the form set forth in the Schedules A B and C to this Act annexed or in words to the like effect.

122. And be it enacted That every information for any penalty or forfeiture under this or any other Act now or hereafter in force relating to the distillation or rectifying of spirits and every conviction or warrant of commitment for any penalty shall be deemed valid and sufficient in which the offence for which such penalty shall be inflicted or the cause of forfeiture is set forth in the words of this or any other such Act as aforesaid or in words to the like effect.

123. And be it enacted That in case of any information or proceeding under this Act or any Act now or hereafter in force relating to the distillation of spirits the averment that the person prosecuting such information or proceeding is an Inspector of Distilleries

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Distilleries shall be sufficient proof of the appointment of such Inspector of Distilleries without proof of the appointment of such Inspector of Distilleries unless the defendant shall in such case prove to the contrary.

Officers deemed  
competent witnesses.

124. And be it enacted That any Inspector of Distilleries and every person acting in his aid or assistance shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid notwithstanding such Inspector of Distilleries or other person may be entitled to any part of such seizure or penalty or to any reward upon conviction of the party charged in such suit or information.

*Onus probandi* to be  
on the claimant.

125. And be it enacted That if any spirits or other property shall be seized or stopped for non-payment of the duties of such spirits or any other cause of forfeiture and any dispute shall arise whether the duties have been paid for the same the proof thereof shall be on the owner or claimant and not on the officer who shall seize or stop the same.

Payment and distri-  
bution of penalties  
&c.

126. And be it enacted That all fines penalties and forfeitures recovered under this Act or any other Act for the time being in force relating to the distillation of spirits shall be paid to Her Majesty Her Heirs and Successors and shall be divided and applied as follows (that is to say) after deducting the charges of prosecution from the proceeds thereof one-third part of the net produce thereof shall be applied to the public uses of the said Colony and in support of the Government thereof as by any Act of the Governor and Legislative Council may be appointed one-third part thereof shall be paid to the informer and one-third part thereof to the person who shall sue for the same where such fines penalties and forfeitures are recovered in consequence of information being given to the seizing officer and when the said fines penalties and forfeitures are otherwise recovered the same are to be divided and applied as follows (that is to say) after deducting the said charges the one moiety or half of the net produce thereof as aforesaid to the public uses of the said Colony and in support of the Government thereof as by any Act of the said Governor and Legislative Council may be appointed and the other moiety or half to be paid to the seizing officer or person suing for the said penalty Provided always that nothing herein contained shall be deemed or construed to affect or in any way to interfere with the right of Her Majesty Her Heirs and Successors to pardon the offender and to remit the whole or any part of any such fine penalty or forfeiture as to Her Majesty shall seem meet.

Imprisonment of  
convicted parties.

127. And be it enacted That if in or upon any information suit or action brought before any Judges of the said Supreme Court or any two or more Justices of the Peace as aforesaid for the recovery of any fines forfeitures or penalties imposed by this Act the party shall be convicted and sentenced to pay such fine or penalty and in case any such fine or penalty shall not be immediately paid or security given to the satisfaction of the Court or Justices before whom the case shall have been heard and determined for the due payment of such fine or penalty the party or parties who shall have been convicted and sentenced to pay such fine or penalty shall forthwith be committed to gaol there to remain for a period of not less than three nor exceeding twelve calendar months unless such fine or penalty shall be sooner paid.

Restraint of sentence  
by inhibition.

128. And be it enacted That no decree or sentence of any of the said Courts touching any forfeiture or penalty imposed by this Act shall be suspended or stayed unless an inhibition in due course of law shall be obtained and served upon the party intended to be restrained thereby within eighteen months from the time when such decree or sentence was pronounced.

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129. And be it enacted That no writ of *certiorari* shall issue from Her Majesty's Supreme Court to remove any proceedings before any Justice or Justices of the Peace under this or any other Act now or hereafter in force relating to the distillation of spirits nor shall any writ of *habeas corpus* issue to bring up the body of any person who shall have been convicted before any Justice or Justices of the Peace under this or any other such Act unless the party against whom such proceeding shall have been directed or who shall have been so convicted or his attorney or agent shall state in an affidavit in writing to be duly sworn the grounds of objection to such proceedings or conviction and that upon the return of such writ of *certiorari* or *habeas corpus* no objection shall be taken or considered other than such as shall have been stated in such affidavit and that it shall be lawful for any Justice or Justices of the Peace and they are hereby required to amend any information conviction or warrant of commitment for any offence under any such Act at any time whether before or after conviction.

No writ of *certiorari* to issue.

130. And to remove all doubts respecting the use of certain words in this Act be it enacted That all material intended to be used in the process of distillation after the same shall have been mashed and before fermentation shall have commenced therein shall be deemed and called worts and that all such material after fermentation shall have commenced therein and before the same shall have been distilled shall be deemed and called wash and that all spirits of the first extraction drawn and produced by one distillation of wash shall be deemed and called low wines and that the term spent wash shall be construed to mean the liquor which may remain in the wash still after the low wines shall have been extracted by distillation and that all spirits produced by the re-distillation of low wines or any further re-distillation shall be deemed and called feints and that the term "spirits" shall be construed to mean brandy rum gin low wines feints and all descriptions of spirituous liquor whatsoever and that the word "proof" shall be construed to mean the conventional degree of strength of spirits indicated as such by the instrument called Sykes' hydrometer and that any person making or keeping any wash prepared or fit for distilling or making low wines or spirits or any low wines and feints or having in his her or their custody or use any still or stills shall be deemed and taken to be and is hereby declared to be a distiller liable to the duties and to the several penalties fines and forfeitures imposed by this or any other Act now or hereafter in force relating to the charging of duties or to the distillation of spirits illicit or otherwise and that "illicit spirits" shall be deemed and taken to mean spirits made contrary to this Act and upon which the full duty has not been paid and that the word "premises" shall be construed to mean all the space included within the wall or paling referred to in the eighth clause of this Act and that the word "Governor" shall be construed to mean the Governor of this Colony or person for the time being lawfully administering the Government thereof and that the word "Officer" shall be construed to mean an Inspector of Distilleries appointed by the Governor and that the provisions and enactments of this Act shall be deemed and taken to extend to persons as well in the plural as in the singular number and as well in the feminine as in the masculine gender and to things as well in the plural as in the singular number unless there be something in the subject or context repugnant to such construction.

Construction of terms.

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## SCHEDULES REFERRED TO.

## A.

*Form of Information before Justices of the Peace.*

New South Wales }  
to wit. }

BE it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ A. B. Chief Inspector of Distilleries (or Inspector of Distilleries as the case may be) who is directed by the Chief Inspector of Distilleries to prefer this information gives me \_\_\_\_\_ Esquire one of Her Majesty's Justices of the Peace to understand and be informed that C. D. on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ (*here state the offence*) contrary to the form of the Act in that case made and provided whereby the said C. D. hath forfeited the sum of \_\_\_\_\_

## B.

*Form of Conviction to be used for an Offence against this Act.*

New South Wales }  
to wit. }

BE it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ an information was exhibited by A. B. Chief Inspector of Distilleries (or Inspector of Distilleries as the case may be) before us \_\_\_\_\_ Esquires two of Her Majesty's Justices of the Peace of the said Colony against C. D. which said information charged that the said C. D. on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ (*here state the offence as in the information*) contrary to the form of the Act in such case made and provided which offence has been duly proved before us the said Justices We do therefore convict the said C. D. of the said offence and do adjudge that the said C. D. hath forfeited for his said offence the sum of \_\_\_\_\_

Given under our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

## C.

*Form of Warrant of Commitment to Gaol for a Penalty.*

New South Wales }  
to wit. }

To A. B. Constable and to E. F. the Gaoler or Keeper of the \_\_\_\_\_ in the \_\_\_\_\_

WHEREAS C. D. has been duly convicted before us \_\_\_\_\_ Esquires two of Her Majesty's Justices of the Peace for the said Colony of having \_\_\_\_\_ (*here state the offence as in the information*)

And whereas we the said Justices did adjudge that the said C. D. hath forfeited for his said offence the sum of \_\_\_\_\_ and whereas the said sum was not immediately paid nor security given to our satisfaction for the due payment thereof These are therefore to require you the said A. B. forthwith to take carry and convey the said C. D. to the \_\_\_\_\_ at \_\_\_\_\_ in the \_\_\_\_\_ and to deliver him into the custody of the Gaoler or Keeper of the said \_\_\_\_\_ and we the said Justices do hereby authorize and require the said E. F. the Gaoler or Keeper of the said \_\_\_\_\_ to receive the said C. D. into his custody and him safely to keep for the period of \_\_\_\_\_ unless he shall sooner pay the said sum of \_\_\_\_\_ or otherwise be delivered by due course of law.

Given under our hands and seals at \_\_\_\_\_ in the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

## D.

*Form of Registration of Spirit Store or of Material Store.*

New South Wales  
Distillery.

Licensed \_\_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_\_

I \_\_\_\_\_ Chief Inspector of Distilleries (or other officer appointed by His Excellency the Governor) do hereby register the store at this distillery for the reception of spirits when distilled [or of material to be used in the process of distillation as the case may be] being a building bounded on the north &c. [here give the inside measurement of the walls and their height &c. in feet and inches].

Made and registered by me this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

Witness \_\_\_\_\_

Chief Inspector of Distilleries.

E.



*Merchant Seamen.***E.***License to distil Spirits.*

No.

Colonial Treasury.

I do issue this license to to distil spirits at the  
 Distillery for the term of commencing from the  
 day of in the year and ending on the day of  
 in the year under the regulations of the Act of Council in such case made  
 and provided.

And I do hereby acknowledge to have received from the said the sum of  
 £ for this license.

(Signed)

**F.***License to rectify and compound Spirits.*

No.

Colonial Treasury.

I do issue this license to to rectify and compound  
 spirits at for the term of commencing from the  
 day of in the year and ending on the  
 day of in the year under the regulations of the Act of Council  
 in such case made and provided.

And I do hereby acknowledge to have received from the said the sum of  
 £ for this license.

(Signed)