



THE
Hobart Town Gazette.

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PUBLISHED BY AUTHORITY.
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His Excellency The Lieutenant Governor directs, that all Public Notifications which may appear in this Paper, with any Official Signature thereunto affixed, shall be considered as Official Communications made to those Persons to whom they may relate.

By Command of His Excellency,

JOHN MONTAGU, Colonial Secretary.

VOLUME XXI.)

FRIDAY, MAY 27, 1836.

(NUMBER 1043.)

ANNO SEXTO

Gulielmi IV. Regis.

No. 14.

By His Excellency Colonel GEORGE ARTHUR, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

An Act for the Regulation of Distilleries and for imposing Duties on Spirits distilled therein.

WHEREAS it is expedient that the Laws now in force respecting the Distillation of Spirits in this Colony should be repealed and other Laws enacted in lieu thereof and that Licenses for the Distilling and Rectifying or Compounding of Spirits should be granted under the Regulations hereinafter contained:—**BE IT THEREFORE ENACTED** by His Excellency Colonel GEORGE ARTHUR Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that from and after the Tenth day of June next all existing Laws and Regu-

PREAMBLE.

Existing Laws repealed.

lations in force respecting the Distillation of Spirits in this Island and its Dependencies and also so much of the Act passed in the Fourth year of His Majesty's Reign to confirm and continue certain Duties of Customs and Duties on Spirits as relates to Duties on Spirits Distilled in this Colony or Distilled in New South Wales and Imported directly therefrom shall be and the same are hereby repealed—*And* in lieu of the said Laws and Regulations this Act shall from that day commence and have effect only.

New Duties on Spirits.

II.—AND DE IT ENACTED that after the said Tenth day of June there shall be granted raised levied collected and paid on all Spirits Distilled (within this Island and its Dependencies) the several Rates and Duties following (that is to say) on Spirits made or Distilled from Malt Corn Grain or any other material being respectively the produce of this Colony a Duty of Four Shillings for every Gallon of such Spirits not exceeding the strength of Hydrometer Proof and if of any greater Degree of Strength an additional Duty proportionate thereto to be determined and charged in the manner by the said Act directed—*and* on Spirits made or Distilled from Sugar or any other material not being the produce of this Colony a Duty of Eight Shillings for every Gallon of such Spirits not exceeding the Strength of Hydrometer Proof—*and* if of any greater Degree of Strength an additional Duty proportionate thereto to be determined and charged as aforesaid.

Duties on Licenses.

III.—AND BE IT ENACTED that there shall be annually paid for every License taken out by any Distiller or Maker of Low Wines or Spirits the Sum of Fifty Pounds—*and* for every License taken out by any Rectifier and Compounder of Spirits the Sum of Fifty Pounds. The said Sums to be paid in advance by the parties taking out such Licenses respectively.

Appropriation of Duties.

IV.—AND BE IT ENACTED that all Monies arising from the sums payable for Licenses and for Duties on Spirits by this Act imposed shall from time to time be paid to the Collector of Internal Revenue and the same are hereby reserved to the use of His Majesty His Heirs and Successors for the support of the Judicial Establishment of this Island or otherwise as by any Act or Acts passed for the appropriation of the Revenue shall be from time to time directed and such Monies shall go and be applied in aid of the Revenue of this Island accordingly.

No Person to keep any Still without a License.

V.—AND BE IT ENACTED that after the commencement of this Act it shall not be lawful for any Person in Van Diemen's Land or its Dependencies under the Penalty of Five Hundred Pounds to have or keep any Still whatever for the purpose of Distilling or Rectifying Spirits nor to Rectify or Compound any Spirits for Sale whether the same be Colonial or Imported Spirits without having obtained a License for that purpose under this Act which License shall be signed by The Collector or Sub Collector of Internal Revenue or by such other Person as shall be for that purpose from time to time appointed by The Lieutenant Governor. *And* the same shall be in such form and shall contain such particulars as The Lieutenant Governor shall from time to time direct. *Provided* that Persons in Partnership carrying on one and the

same Trade or Business in one House or Place only shall not be required to take out more than one License in any one year and that no License shall authorize any Person or Persons to have or make use of any Still or to prepare or make use of any Wort or Wash or to Distil any Wash Low Wines or Spirits or to Rectify or Compound any Spirits in any other than the House or Premises mentioned in such License.

VI.—AND BE IT ENACTED that it shall not be lawful for any Distiller to Make or Brew at the same time any Wort or Wash or Make or Distil any Spirits partly from one material and partly from any other material under the Penalty in each case of Two Hundred Pounds and Forfeiture of all such Wort Wash and Spirits which may be seized by any Inspector of Distilleries or Chief Constable or by any Chief District or District Constable or Person appointed for that purpose by The Collector or Sub Collector of Internal Revenue.

Not to Distil at the same time partly from one material and partly from any other material.

VII.—AND BE IT ENACTED that it shall not be lawful for any Person after the expiration of one year next after the date of his License under this Act or whose License shall have been Forfeited to continue to Keep Work or to Use any Still or to Brew or Make any Wort or Wash or to Distil any Low Wines Spirits or Feints or to Rectify or Compound any Spirits until such Person shall have obtained a new License for that purpose and shall have done all such things as are required by this Act to be done upon obtaining the first or original License and so in every year so long as he shall continue the Business of a Distiller or Rectifier and Compounder of Spirits under the Penalty of Five Hundred Pounds and Forfeiture of all such Wort Wash Low Wines Feints and Spirits and every such Still and all other Vessels and Utensils therewith used or containing such Wort Wash Low Wines Feints or Spirits respectively.

License to be renewed annually.

VIII.—AND BE IT ENACTED that every Person desirous of obtaining a License under this Act shall cause to be delivered to The Collector or Sub Collector of Internal Revenue or to such other Person as shall be for that purpose from time to time appointed by The Lieutenant Governor a true and particular Account in writing under his hand setting forth his name or names and place of abode and the particular situation of the Premises of which entry is intended to be made—and also a true description of every Vessel and Utensil whatsoever erected or intended to be therein used for the purposes of Distilling Rectifying or Compounding as the case may be and the number of Gallons which each Still together with the Head thereof is capable of containing—And specifying fully the purpose for which each Vessel and Utensil is intended to be used—And also a like Account of the several Buildings Rooms and Places wherein any part of the Business is to be carried on whether for Distilling Rectifying or Compounding Spirits or for keeping any such Spirits—And every such Utensil and also every such Building Room or Place shall be distinguished by a separate and distinct number and name relating thereto respectively plainly and legibly Marked or Painted thereon—And

Entry to be made of the Places and Utensils of Trade.

Drawing and description to be given of fixed pipes.

every such Account shall be in such form as shall be from time to time directed by The Lieutenant Governor.

IX.—AND BE IT ENACTED that together with every such Account there shall be delivered a Drawing or Delineation and Description distinctly shewing the course construction and use of every fixed Pipe and Branch thereof to be used by any Distiller or Rectifier and Compounder—*And* of every Cock therein together with every Place Vessel or Utensil from or to or with which any such Pipe shall lead or communicate—*And* every Pipe to be used as aforesaid except for the conveyance of Water and Spent Wort only shall be so placed as to be capable of being inspected or examined through the whole of its course—*And* shall be Painted and kept Painted as hereinafter mentioned (that is to say)—Every Pipe for the conveyance of Wort or Wash of a Red colour:—Every Pipe for the conveyance of Low Wines or Feints Blue:—Every Pipe for the conveyance of Spirits White:—*And* every Pipe for the conveyance of Water Black:—*And* if any Pipe shall be used not being set forth as aforesaid or shall be used for any other purpose than shall be so set forth or shall not be Fixed or Placed or Painted and kept Painted as herein directed the Person having or using the same shall Forfeit and Pay a Penalty or sum of not less than Five Pounds nor more than Fifty Pounds.

Utensils &c. shall be marked

X.—AND BE IT ENACTED that every Distiller and Rectifier and Compounder shall cause to be legibly Painted and kept Painted upon some conspicuous part of every Utensil used or intended to be used by him in his said Trade or Business and on the outside Door of every Apartment and Place where any Spirits are kept or intended to be kept—*The* name of each such Utensil Apartment or Place according to the purpose for which the same is used and shall also Paint in like manner separate numbers relating to each such Utensil Apartment and Place in regular progression beginning with the number one for each Denomination or Description of Utensil Apartment or Place under the Penalty for every neglect of not less than Two nor more than Twenty Pounds.

Utensils not to be used for more than one purpose.

XI.—AND BE IT ENACTED that it shall not be lawful for any Distiller to set forth in any Account by this Act required to be delivered that any Still or Vessel mentioned therein is intended to be used nor shall any such Still or Vessel be in fact used for more than one purpose respectively—*And* every Entry in which any Still or other Vessel is described as intended to be used for two or more purposes shall in respect to such Still or Vessel be deemed void and every such Distiller shall in every such case forfeit a Penalty of not less than Ten Pounds nor more than One Hundred Pounds.

Penalty for having any Still Utensil or Place not entered £100.

XII.—AND BE IT ENACTED that if any Still or Vessel whatever shall at any time be used or applied by any Distiller or Rectifier and Compounder for any purpose connected with the Distillation Rectification or Compounding of Spirits or if any fixed Cask shall at any time be used by any such Person for holding or keeping Spirits or if any House Room or Place shall be used by any such Person for the purpose of carrying on any part of the process of Distillation Rectification or Compounding of Spirits

which Still Vessel Utensil Cask House Room or Place shall not have been set forth or numbered as aforesaid or shall be in any other Place or shall be used or applied for any other purpose than shall have been set forth or shall not in all respects correspond with the representation thereof as set forth in the Account required to be delivered by such Person as aforesaid then and in every such case the Person so offending shall forfeit and pay a Penalty of not less than Ten Pounds nor more than One Hundred Pounds—*And* every such Still Vessel Utensil or Cask and all Spirits and Materials for Distilling Spirits found therein or in any such House Room or Place shall be forfeited.

XIII.—AND BE IT ENACTED that no License shall except by express permission of The Lieutenant Governor be granted to any Person to have or use any Still for Distilling Spirits or for Rectifying or Compounding the same excepting only within Hobart Town or Launceston—*And* every Person Making or Distilling Wash Low Wines or Spirits or Rectifying or Compounding any Spirits in any House or Place not so situated as aforesaid shall notwithstanding any Entry by him made or License obtained be subject to the like Penalties and Forfeitures as any Person Distilling Spirits without Entry and without License is by this Act liable to—*And* no License under this Act shall authorize any Person to have or use any Still or Utensil for Making or Distilling Low Wines or Spirits the Body of which without the Head thereof shall be of less capacity or content than Forty-two Gallons nor any Wash Still the Body of which shall be of less content than Two Hundred Gallons nor more than one of each kind of Still at the same time without the especial approbation of The Lieutenant Governor to be expressed in such License under a Penalty of not less than Ten Pounds nor more than One Hundred Pounds.

XIV.—AND BE IT ENACTED that no Person shall keep or make use of any House or Premises for Distilling Rectifying or Compounding Spirits or for preparing Wort or Wash for Spirits within the distance of one quarter of a mile from any other House or Premises entered or used for either of those purposes and every Entry of any House or Place made use of contrary to the true intent and meaning of this Section shall be void.

XV.—AND BE IT ENACTED that no Distiller or Rectifier and Compounder of Spirits shall upon the same Premises or within one quarter of a mile therefrom carry on either of those Trades and also the Trade of a Brewer of Beer or Maker of Sweets Vinegar Cider or Perry or of a Refiner of Sugar nor shall have or make use of any House or Premises having any communication opening or way internally with or into or through any enclosed or Private Road or Place with any other House or Premises used or kept by any Person in any of the said last mentioned Trades or by any Dealer in or Retailer of Spirits on pain of Forfeiting for every such Offence the sum of Two Hundred Pounds.

XVI.—AND BE IT ENACTED that if any Inspector of Distilleries or Chief or other Constable or other person authorized under the Provisions of this Act shall know or have reasonable cause to sus-

No person to be licensed except within Hobart-town or Launceston.

No Still for distilling Spirits of less content than 42 Gallons, nor Wash Still less than 200 gallons.

Houses for rectifying &c. not to be within one quarter of a mile of a Still House.

No Distiller or Rectifier to be a Brewer of Beer or Maker of Sweets &c.

Inspector or other Officer suspecting private Still &c. a special Warrant to search may be granted.

Stills found and not claimed within one month to be forfeited.

Inspector of Distilleries and others empowered to enter Distilleries &c.

pect that any Still Back or other Vessel for making Worts or Wash or for Distilling Low Wines or Spirits is kept or used in any Place not Licensed under this Act or that any privately made Spirits or Low Wines or any Wash or Materials for Distillation are unlawfully kept in any House or Place:—*Then* and in such case upon Oath made by such Inspector Constable or Person before any Police Magistrate setting forth such knowledge or suspicion and the grounds thereof:—*It* shall be lawful for such Magistrate if he shall judge it reasonable by Warrant under his hand and seal to authorize such Inspector Constable or Person by day or by night (but if in the night time then in the presence of the Chief Constable or some Chief District or District Constable) to enter such House or Place and to break open the doors thereof if not opened on demand and to Seize all Stills Backs or other such Vessels and all such Spirits Low Wines or other Materials for Distillation which shall be found there and the Vessels in which contained and either to detain the same in the House or Place where so found or to remove the same to the Custom House or to the Police Office next to the Place where the same shall be found—*And* in case the same shall not within one month next after such seizure be claimed by the true owner thereof then the said Stills Backs Vessels Spirits Low Wines Wash and other Materials shall be absolutely forfeited *And* the Proprietor of any such Still Back or Vessel or the Person in whose custody the same shall be found whether such seizure be claimed or not shall forfeit for every such Still Back and Vessel found therein a Penalty of not less than Twenty Pounds nor more than One Hundred Pounds—*And* if any Person shall obstruct oppose or molest any such Inspector Constable or Person as aforesaid in the searching for or seizing of any Still Back Vessel Spirits Low Wines Wash or Materials or in retaining keeping or removing the same after seizure the Person so offending shall forfeit the sum of Two Hundred Pounds.

XVII.—AND BE IT ENACTED that it shall be lawful for any such Inspector of Distilleries or for any Officer or Person appointed under this Act for that purpose at all times as well by night as by day to enter into every House Distillery Still House Out House and Place whatsoever entered by or which shall be made use of in his business by any Distiller or Rectifier and Compounder of Spirits and there to Gauge measure and take an account of every Still or other Vessel or Utensil therein and to Gauge and take an account of the quantity and strength of all Spirits Low Wines and Feints and the quantity and gravity of all Wort and Wash which shall be from time to time there Made or Distilled and the quantity and quality of all Wort and Wash from time to time made use of in the Distillery of every such Distiller and of all Bub and other Compositions for exciting or promoting Fermentation in any such Wort or Wash and of all Spirits and Materials for the Distilling of Spirits which shall be in the possession of such Distiller—*And* if any such Inspector Officer or Person as aforesaid shall be obstructed by any person Licensed under this Act or by any Servant or Person upon or about the Premises with his knowledge in entering or shall not be permitted to enter into any Distillery or House Out-house or Place whatsoever belonging to or made use of by such Licensed Person or having entered shall be obstructed in or

prevented from executing any part of his duty under this Act such Licensed Person shall for every such Offence forfeit a Penalty of not less than Twenty Pounds nor more than One Hundred Pounds.

XVIII.—AND BE IT ENACTED that in case any Inspector or Officer appointed for that purpose under this Act having demanded admittance into the House or Premises of any such Licensed Person as aforesaid and having declared his Name and Business at the Gate or Entrance Door shall not be within a reasonable time following admitted into such House or Premises such Licensed Person for every such Offence shall Forfeit a Penalty of not less than Ten Pounds nor more than One Hundred Pounds—And it shall be lawful for such Inspector or Officer and any Person or Persons acting in his aid in every such case as well by night as by day (but if by night then in the presence of The Chief Constable or some Chief District or District Constable) to break open by force any of the Doors or Windows of such House or Premises as shall be necessary for the purpose of entering the same.

If Inspector or other Officer not admitted after declaring his name &c.,—Distiller to forfeit £100.

XIX.—AND BE IT ENACTED that every Person Making or Keeping any Wash prepared or fit for Distilling Low Wines or Spirits or Making or Keeping any Low Wines or Feints and having any Still of greater contents than Five Gallons in his custody or use shall be deemed a Distiller within the meaning of this Act and liable to Inspection under this Act and to the Duties hereby imposed and to the several Penalties and Forfeitures imposed by this Act relating to Distillers.

Who to be deemed Distillers.

XX.—AND BE IT ENACTED that no Person shall be entitled to a License as a Rectifier or as a Compounder of Spirits alone nor to have a License as a Rectifier and Compounder of Spirits unless he shall have at least one entered Still capable of containing in the Body thereof exclusive of the Head One Hundred and Twenty Gallons nor unless such Still shall have a suitable Worm and Worm Tub affixed thereto and shall be really and bonâ fide used for the purpose of Making Compounds for Sale by such person—And any Person who shall carry on the Business of a Rectifier or Compounder of Spirits contrary to this Act shall be liable to incur all the Penalties and Forfeitures by this Act inflicted upon Persons Using or Working any Unlicensed Still.

Who to be deemed a Rectifier or Compounder.

XXI.—AND BE IT ENACTED that if any Wort shall be Brewed or Made or if any Still shall be made use of by any Person Licensed under this Act at any time between the hour of eleven in the night of any Saturday and the hour of one in the morning of the next succeeding Monday every such Person in every such case shall Forfeit a Penalty of not less than Fifty Pounds nor more than One Hundred Pounds.

Distillers &c. not to employ a Still on Sundays.

XXII.—AND BE IT ENACTED that before any Person shall be Licensed under this Act to keep any Still for Distilling Spirits he shall erect and have the several Vessels hereinafter enumerated (that is to say) one Wash Charger one Low Wines Receiver one Low Wines and Feints Charger one Feints Receiver one Spirits Receiver and if requisite one other Vessel to be called a Spent Lees Receiver—Provided that any greater number than two Low Wines Receivers or Feints Receivers or Low Wines and Feints Chargers shall not be al-

Before License Distiller to erect certain Chargers & Receivers.

lowed and if more shall be found in any Distillery the Distiller shall forfeit the sum of Two Hundred Pounds—*And* the Vessels exceeding the number so allowed together with the contents thereof shall be forfeited.

Description of wash chargers &c. to be according to Act 6, Geo. 4, c. 80.

And the Regulations contained in the said Act to be observed by Distillers &c.

XXIII.—AND BE IT ENACTED that every such Wash Charger Low Wines Receiver Feints Receiver Low Wines and Feints Charger Spirit Receiver and Spent Lees Receiver shall be erected constructed and kept by every Distiller Licensed under this Act in the manner and for the purposes respectively and every such Distiller shall be subject to the Penalties in relation thereto respectively mentioned in an Act of Parliament passed in the sixth year of the Reign of His late Majesty intituled “An Act to repeal the Duties payable in respect of Spirits Distilled in England and of Licenses for Distilling Rectifying or Compounding such Spirits and for the Sale of Spirits and to impose other Duties in lieu thereof and to provide other Regulations for the Collection of the said Duties and for the Sale of Spirits and for the Warehousing of such Spirits without payment of Duty for Exportation”—*And* all the Regulations Provisions and Restrictions contained in the said Act relative to or affecting and directed to be observed by Distillers Rectifiers and Compounders respectively of British Spirits in England so far as the same or any of them can be applied for the purposes of this Act (unless where any express Provision is by this Act made to the contrary) shall in like manner extend to and affect and shall be observed by every Person Licensed under this Act in respect of Spirits Distilled Rectified or Compounded in this Colony—*And* all Penalties and Forfeitures thereby imposed for the breach or neglect of any of such Regulations Provisions and Restrictions in England are hereby imposed in respect of every similar breach or neglect by or on the part of any Person Licensed under this Act and the same may be levied and imposed under and by virtue of this Act as fully and effectually as if those Regulations Provisions and Restrictions Penalties and Forfeitures respectively were herein embodied and repeated.

Proviso. Notice of such Regulations to be given.

XXIV.—PROVIDED ALWAYS that no Penalty or Forfeiture whatever shall in any case attach or be imposed in respect of the breach or neglect of any such Regulation Provision or Restriction as aforesaid unless the Licensed Person to be affected thereby shall previously to such breach or neglect have had express notice in writing from some Inspector of Distilleries or Officer appointed under this Act requiring compliance with or obedience to such Regulation Provision or Restriction on pain of such Penalty or Forfeiture (as the case may be) being enforced against him.

Lieutenant Governor may authorize Distillers to use present Stills &c.

XXV.—PROVIDED ALSO that it shall be lawful for The Lieutenant Governor to allow any Distiller Rectifier or Compounder Working at the time of the passing of this Act to Keep and Use any Still or Vessel already fixed or used in his Premises and also from time to time to allow any other Still or Vessel than such as is by this Act required to be erected kept and used by any Licensed Person if the same shall in the Judgment of such Lieutenant Governor be adapted to the purposes of this Act—*And* also (where he shall judge it expedient so to do) to authorize the granting of a License to

any Distiller or Rectifier and Compounder whose Premises shall not be situate according to the directions of this Act and no Person to whom any such permission as aforesaid shall be granted shall be liable to any Penalty in respect of keeping or using any such Still or Vessel so permitted or for Distilling Rectifying or Compounding Spirits under such License any thing herein contained to the contrary notwithstanding.

XXVI.—AND BE IT ENACTED that it shall be lawful for The Lieutenant Governor by any Order or Orders for that purpose from time to time to prohibit the making of Low Wines and Spirits from Barley Malt or any other sort of Grain or any mixture thereof for such limited period of time as the Agricultural condition of the Colony or any other circumstances may appear to him to render expedient.

XXVII.—AND BE IT ENACTED that in order to meet occasional fluctuations in the price of Grain it shall also be lawful for The Lieutenant Governor by any Proclamation or Proclamations for that purpose from time to time issued to diminish the Duties respectively hereby imposed upon Spirits either generally or for such limited period or periods of time as he shall think fit.

XXVIII.—AND BE IT ENACTED that the several Licenses Entries Notices Declarations Books Accounts and Returns required by this Act shall be in such form or forms as The Lieutenant Governor may from time to time direct and that every Act and thing by the aforesaid Act of Parliament directed or authorized to be done by any Officer or Officers acting in England in the execution of that Act may for the purposes of this Act be done by The Lieutenant Governor or by such person or persons as he shall in that behalf from time to time appoint—And it shall not on any occasion be necessary to prove the particular Order or Direction of The Lieutenant Governor in that behalf other than by the production of the Gazette if any containing the same or a certified Copy of such Order or Direction under the Hand of The Colonial Secretary.

XXIX.—AND BE IT ENACTED that it shall be lawful for every Distiller to export any Spirits Distilled according to the Provisions of this Act without payment of Duty subject nevertheless to such Regulations Penalties and Forfeitures as are provided in respect of Foreign Spirits landed in and exported from Van Diemen's Land by the Act of this Island passed in the fourth year of His Majesty's Reign intituled "*An Act for the Regulation of the Customs of Van Diemen's Land and its Dependencies*" and subject also to such further or other Regulations Restrictions and Conditions in that behalf as The Lieutenant Governor shall from time to time direct.

XXX.—PROVIDED ALWAYS AND BE IT ENACTED that no Spirits shall in any such case as aforesaid be removed for Exportation excepting only from some Bonding Warehouse under the charge of the Inspector of Distilleries nor shall any Spirits be in any other case sent out or removed from the Stock or Premises of any Distiller other than to a Bonding Warehouse under such charge as aforesaid or be removed in any case from a Bonding Warehouse (except for Exportation as aforesaid) without a Certificate under the Hand of such Inspector (to be sent with the Spirits during their transit) that the Duties thereon have been paid.

Lieutenant Governor may prohibit Distillation from Grain.

And in like manner to diminish the Duties.

Licenses, Entries, Notices &c. to be in such form as The Lieutenant Governor shall direct.

Distillers may export Spirits without payment of Duty.

Spirits to be in general removed to a Bonding Warehouse.

Distiller to be liable to pay
Duties monthly.

XXXI.—AND BE IT ENACTED AND DECLARED (that except in the cases last aforesaid) the Duties on Spirits imposed by this Act are and shall be payable upon the Distillation thereof—*And* for the purpose of determining the amount of Duties so payable the Inspector supervising any Distillery shall within the First Week of every Month make out and deliver to The Collector or Sub-Collector of Internal Revenue a Return of the quantity of Spirits for which the Person Licensed in respect of such Distillery shall be chargeable with Duty up to the end of the Month preceding together with an Account of the Duties payable thereon respectively of which Return and Account a true copy shall also during the same Week be furnished to the Distiller by such Inspector and every such Return and Account shall be a charge on such Distiller and he shall within one Week next following the receipt by him of such Account and Return upon demand thereof in that behalf pay to The Collector or Sub-Collector of Internal Revenue the Amount of the Duties which by such Account shall appear to be due by him.

Proviso as to Spirits in
Bonding Warehouse.

XXXII.—PROVIDED ALWAYS that in every such Account as aforesaid the Distiller shall have credit for the Amount of Duty due on all Spirits then Bonded by him and under the charge of such Inspector or removed from the Bonding Warehouse with the Duty paid thereon and shall be liable to pay Duty only in respect of the Spirits appearing by such Return to have been Distilled by him over and above the quantity of Spirits in such Bonding Warehouse or lawfully removed therefrom as aforesaid for Exportation or otherwise.

Modes of computing Duty.

XXXIII.—AND BE IT ENACTED that the quantity of Spirits Distilled and in respect of which Duty shall in every case be payable shall be estimated as follows (that is to say).—*First* in respect of every One Hundred Gallons of Wort or Wash which shall be made the Inspector shall charge the Distiller with Duty for a quantity of Spirits at the rate of one Gallon of Proof Spirits for every five degrees of Gravity of such Wort or Wash which shall be attenuated (that is to say) for every five degrees of difference between the highest Gravity of such Wort or Wash as declared by such Distiller or as appearing on any Account taken thereof by the Inspector and the lowest degree of Gravity of such Wort or Wash as appearing on any Account thereof taken by the Inspector previously to its Distillation and in the same proportion of Spirits for any less quantity of such Wort or Wash and for any less decrease of Gravity than five degrees.—*Secondly* in respect of all Low Wines produced from the Distillation of Wash contained in any Fermenting Back the Inspector having taken an account of the quantity and strength of such Low Wines shall according to such quantity and strength compute and Ascertain the quantity of Proof Spirits equivalent thereto—*And* the quantity of Proof Spirits so ascertained (deducting therefrom an allowance of two per Cent thereon) shall be deemed to have been in fact produced from the Wash contained in such Back as aforesaid and Duty shall be charged and payable accordingly—*Provided* that the highest charge arising from either of the methods aforesaid shall be taken as the true charge against the Distiller and Duty be payable accordingly.

XXXIV.—AND (in order as far as possible to secure payment of the appropriate Rate or Rates of Duty by this Act imposed and to prevent frauds during the process of Distillation) BE IT ENACTED that no Person Licensed under this Act shall in any case (under the Penalty of not less than Ten Pounds nor more than One Hundred Pounds) commence the Distilling of Spirits or the making of Wort or Wash from Sugar or any other Imported Article until after the expiration of six days notice in writing to The Inspector of his Distillery of his intention so to do and any Wort or Wash found to have been made from any such Imported Article without such notice having been given as aforesaid shall be Forfeited and may be seized by such Inspector or any other Person acting in his aid—*Nor* shall any Distiller (under the same Penalty) after having given any such notice recommence Distilling or Brewing from Malt Corn or Grain the produce of this Colony without a similar notice of his intention as to such last-mentioned Materials—*And* if at any time during any part of the process of Distillation from Sugar or any other Imported article or from Malt the produce of Imported Grain any such Licensed Person shall receive into his Distillery or use or have on or in any part of his Licensed Premises any Malt Corn or Grain the produce of this Colony exceeding in quantity Three Bushels or if during any part of the process of Distillation from Malt Corn or Grain the produce of this Colony he shall receive into his Distillery or use or have on or in any part of his Licensed Premises any Sugar or other Imported Article exceeding in weight Two Hundred Pounds or any Malt exceeding in quantity Three Bushels the produce of Imported Grain—such Licensed Person shall in any such case forfeit and pay a Penalty or Sum of not less than Twenty Pounds nor more than Two Hundred Pounds.

XXXV.—AND BE IT ENACTED that it shall be lawful for any Inspector of Distilleries from time to time as often as he shall deem expedient to take Samples of any Wort Wash Low Wines Feints and Spirits respectively in any Back Receiver or other Vessel in any Distillery (on paying to the Distiller if demanded by him the full value of every Sample so taken) in order that such Inspector may ascertain the Gravity or Strength of such Worts Wash Low Wines Feints or Spirits and from such part of any such Back Receiver or Vessels as the said Inspector shall think proper and the Gravity or Strength of any Sample so taken shall be held to be the true and correct Gravity or Strength of the whole contents of the Back Receiver or other Vessel from which such Sample was so taken—*Provided* that before any Sample be so taken all the Liquor contained in such Back Receiver or Vessel may be stirred and mixed together by such Distiller if he shall think fit.

XXXVI.—AND BE IT ENACTED that after the first day of *July* next no person whatsoever (whether Licensed under this Act or not) shall knowingly sell or keep or have or send out or receive for Sale any Colonial Spirits mixed with Rum or any other Imported Spirits or shall mix together Colonial Spirits and Rum or other Imported Spirits for Sale under the Penalty in every such case of not less than Ten Pounds nor more than One Hundred Pounds and Forfeiture of the Spirits so mixed and of the Casks or Vessels respectively contain-

During Distillation from Sugar &c., no Malt &c., to be on a Distiller's premises, and vice versa.

Taking Samples.

Colonial Spirits & Foreign Spirits, not to be mixed together.

ing the same—*And* within the meaning of this Section the term “Colonial Spirits” shall be taken to include all Spirits Distilled within this Colony however Manufactured or by whatsoever name called and whether Rectified or Compounded or not and where Colonial Spirits mixed with Rum or other Imported Spirits shall be in fact sold or contracted to be sold the same shall for the purposes of this Section be taken to have been unlawfully mixed for Sale by the party so selling or contracting unless the contrary be shewn by him.

Distillers to make Quarterly Returns.

XXXVII.—AND BE IT ENACTED that in the first Week of every Month of January April July and October every Distiller shall under his hand make a true and particular Return in writing to the Colonial Auditor of the whole quantity of Wort and Wash decreased from the Wash Backs or Distilled by such Distiller into Low Wines or Spirits and of the whole quantity of Spirits computed at the Strength of Proof Spirits Distilled in such Distillery during the preceding Three Months and of the whole quantity of Feints remaining undistilled and also of the whole quantity of Malt Sugar and other Materials used by such Distiller in those Months distinguishing Imported Articles from Articles of Colonial Produce or Manufacture—*And* in case of omission neglect or default in the making of any such Return or if any false Return shall be made every such Distiller shall for every such omission neglect or default or for any such false Return Forfeit and Pay a Penalty or Sum of not less than Ten Pounds nor more than One Hundred Pounds.

No Spirits to be removed in less quantity than 42 Gallons.

XXXVIII.—AND BE IT ENACTED that no Spirits shall in any case be sent out of or removed from the Premises or Stock of any Distiller at any other Strength than Hydrometer Proof or not exceeding Twenty Five per centum above such Proof nor in any quantity less than Forty Two Gallons the Cask or Vessel containing the same being marked at each end thereof in Letters or Figures legibly Cut Branded or Painted thereon with the Mark or Number of every such Cask and the true quantity and Strength of such Spirits under a Penalty in every such case of not less than Five Pounds nor more than Fifty Pounds—*and* Forfeiture of the Spirits removed contrary to the Provisions of this Section with the Cask or Vessel containing the same.

Rectifiers having any Wort &c., or Distilling the same into Low Wines or Spirits.

XXXIX.—AND BE IT ENACTED that if any Rectifier or Compounder of Spirits shall have in his possession any Low Wines or any Wort Wash or other Fermented Liquor or Materials prepared or fit for the purpose of being Distilled into Low Wines or Spirits or shall extract any Low Wine or Spirits from any Wort Wash or other Fermented Liquor or from other Material or Materials than Spirits Distilled in this Island and lawfully received into Stock to be Rectified or Compounded or shall have in his possession any Spirits whatsoever without a legal Permit having been obtained for the same every such Rectifier or Compounder shall (over and above any other Penalties in that behalf) Forfeit for every Gallon of such Wort Wash Liquor Materials or Spirits as the case may be the sum of Twenty Shillings.

No Spirits to be removed without a Permit.

XL.—AND BE IT ENACTED that no Spirits whatever shall be sent out of the stock or possession of any person Licensed under

this Act nor shall the same be removed from any place wherein Manufactured Rectified or Compounded except to some other part of the same Premises without a Permit first granted for that purpose by the Inspector of Distilleries of the District under the Penalty of not less than Five Pounds nor more than Fifty Pounds—*And* every such Permit shall be given gratis upon a Request Note subscribed by such Licensed person or some person on his behalf specifying therein the quantity quality kind and strength of such Spirits and the Casks or other Vessels containing the same and the places from and to which such Spirits are to be sent and by what mode or modes of conveyance and the Permit shall correspond in all the particulars aforesaid with such Request Note and a reasonable time shall be limited in every such Permit within which only the same is to be in force—*And* all Spirits removed sent out or carried or found during removal or carriage without such Permit as aforesaid shall together with the Vessels containing the same be forfeited.

XLI.—AND BE IT ENACTED that if any such Permit (where granted for Spirits sold or contracted to be sold) shall not be sent and delivered with such Spirits to the Buyer or if any Spirits shall be delivered or sent to any Buyer thereof without a proper Permit having been obtained for the same the Spirits so delivered or sent shall (unless seized in the transit for want of a lawful Permit accompanying the same) be forfeited to such Buyer and the Seller shall be incapable of recovering the same or the value or price thereof in any Court of Law or Equity.

Permit for Spirits to be delivered therewith.

XLII.—AND BE IT ENACTED that nothing contained in this Act shall be construed to affect the case of any Permit required to be obtained for the removal of Spirits (not being from the Premises of any Person Licensed under this Act) under the Provisions of the Act of this Island intituled “*An Act to prevent the removal of Wine and Spirituous Liquors without a Permit and to make further Provisions to restrain the illicit dealing in and clandestine Importation of such Liquors*” or the case of any Spirits removed without a Permit where required by that Act—*And* every Clause Penalty and Forfeiture inflicted or imposed by the said Act shall extend to and be applied in the execution of this Act in cases of removal without a Permit as fully and effectually to all intents and purposes as if every such Clause were contained in and every such Penalty and Forfeiture were imposed by this Act in respect of such cases.

The Permit Act of this Island referred to.

XLIII.—AND BE IT ENACTED that all Offences against this Act (except as hereinafter mentioned) shall upon Information in that behalf exhibited be heard and determined in a summary way and all Penalties and Forfeitures in respect of such Offences be awarded and imposed by and before any Two Justices in the manner provided by the Act of this Island passed to regulate Summary Proceedings before Justices of the Peace—*And* one moiety of every Penalty and Forfeiture arising under this Act shall be to His Majesty His Heirs and Successors and the other moiety to him or them who shall Inform or Sue for the same.—*And* in all cases of Forfeiture imposed by this Act the article subject to Forfeiture may together with the Cask or Vessel containing the same and any Cart Boat or Vehicle (if any) in

Recovery and application of Penalties.

which deposited or employed in its conveyance be seized by any Inspector of Distilleries or other Person appointed under this Act as aforesaid or any Chief Constable or Chief District or District or Division Constable—*Provided* that in all cases where the amount of any pecuniary Penalty imposed by this Act shall exceed the sum of One Hundred Pounds the same shall be sued for by Action of Debt or Information in “The Supreme Court of Van Diemen’s Land” *Provided Also* that in all cases whatsoever of Prosecutions and Seizures under this Act whether the proceedings be directed to be had in the said Court or before Justices it shall be lawful for The Lieutenant Governor (notwithstanding any such proceeding actually commenced) to mitigate the amount of the Penalty or Forfeiture or to remit wholly such Forfeiture if he shall see cause to do so and either unconditionally or on such terms and conditions as he shall think fit to impose—*Provided lastly* that every Prosecution under this Act shall be commenced within Six Calendar Months after the time of the Offence committed—*And* that every Person feeling aggrieved by any Summary Judgment or Conviction under this Act shall be entitled to Appeal therefrom in the manner provided by the said Act passed to Regulate Summary Proceedings before Justices of the Peace.

Explanation of the term
Lieutenant Governor.

For protection of Inspectors.

XLIV.—AND BE IT ENACTED that the term “Lieutenant Governor” used in this Act shall be equally taken to extend to every other Officer for the time being lawfully administering the Government.

XLV.—AND BE IT ENACTED that if any Action shall be brought or other proceedings be taken against any Inspector of Distilleries or other Person for or in respect of any thing done under the authority of this Act such Inspector of Distilleries or other Person may plead the general issue and give the special matter in evidence thereupon and if the Verdict shall be for the Defendant or the Plaintiff shall be non-suited or shall discontinue his Action or if upon Demurrer Judgment be given against the Plaintiff the Defendant shall have double costs and the like remedy for the same as any Defendant hath in any other case to recover costs by Law and every Person in fact for the time being acting as an Inspector of Distilleries or otherwise under this Act shall be deemed for the purposes of this Act duly appointed in that behalf without other proof thereof.

GEORGE ARTHUR.

Passed the Legislative Council
this sixteenth day of May one
thousand eight hundred and thirty
six.

ADAM TURNBULL Clerk of the Council.