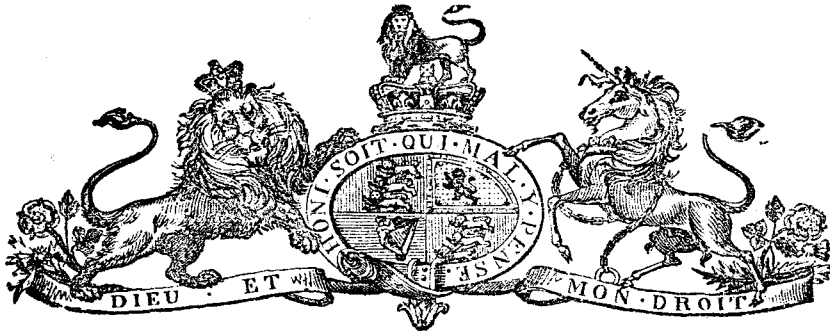


T A S M A N I A .



1869.

ANNO TRICESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 27.



AN ACT to provide for the Distillation of Spirits from Colonial Produce. [22 October, 1869.]

WHEREAS it is desirable that provision should be made for the Distillation of Spirits from Produce grown in this Colony: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.

1 It shall be lawful for the Governor in Council to appoint a Chief Inspector of Distilleries, and such and so many Inspectors of Distilleries and other inferior officers as may be necessary for the due execution of this Act.

Appointment of Officers.

2 Any person, except as hereinafter excepted, who carries on the business of a Distiller, or who has in his possession, or who makes use of any Still or other utensil for distilling, or rectifying and compounding Spirits, except in such place as the Governor by Proclamation in the *Gazette* directs, unless duly licensed under *The Distillation Prohibition Act*, shall be liable to a penalty of not less than One hundred Pounds nor more than Five hundred Pounds.

Places where Distillation may be carried on.

3 Any person who has in his possession, or on his premises, or who makes use of any still, utensil, or apparatus for distilling Spirits without having first obtained a Licence for keeping or using the same from the Colonial Treasurer under this Act or *The Distillation Prohibition Act*,

Penalty for making use of stills without Licence.

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shall be liable to a penalty of not less than Fifty Pounds nor more than Five hundred Pounds, together with the forfeiture of all such stills, utensils, and apparatus.

Licence how obtained.

4 Any person desirous of obtaining a Licence under this Act to distil Spirits shall apply by memorial addressed to the Colonial Treasurer for such Licence; and such memorial shall describe the premises where such distillation is to be carried on, and shall be accompanied by a plan of such premises showing the situation of the still and all other vessels and apparatus to be used on such premises, together with the dimensions and capacity of all such vessels and apparatus; and such plan shall contain such other particulars as are from time to time required and directed by the Colonial Treasurer to be given.

Issue and form of Licence.

5 The Colonial Treasurer is hereby authorised to grant Licences in accordance with the provisions of this Act; and every Licence so granted by the Colonial Treasurer shall be in the form in the Schedule (1.), and shall specify the premises in which the Distillation of Spirits shall be carried on; and no such Licence shall authorise the person obtaining the same to have or use any still or other apparatus used in the Distillation of Spirits in any other place than that mentioned in such Licence; and any person having or using any still or other apparatus as hereinbefore mentioned in any other place than that mentioned in such Licence, shall be liable to the penalty hereinbefore imposed upon any person having and using any still or other apparatus for distillation without having first obtained a Licence.

Schedule (1.)

Conditions of Licence.

6 No Licence shall be granted under this Act (except as hereinafter provided) unless the wash-still is capable of containing double the quantity of the low wines or spirits stills, and no such Licence shall (except as hereinafter provided) authorise any person to have or use any still of less capacity than Forty gallons, or any distilling apparatus which is not capable of exhausting at least Fifty gallons of wash in the hour: Provided that the Colonial Treasurer may, if he thinks fit, refuse to license any still of less capacity than Four hundred gallons, or any distilling apparatus not capable of exhausting Two hundred gallons of wash in the hour.

Premises to be inspected.

7 Before any Licence is granted under the provisions hereinbefore mentioned, the premises described in the memorial hereinbefore mentioned shall be inspected by the Chief Inspector of Distilleries, or some officer by him deputed so to do, who shall certify to the Colonial Treasurer that such premises comply with the requirements of this Act; and such certificate shall be as near as may be in the form in the Schedule (2.).

Schedule (2.).

Recognizance to be entered into.

8 Before any Licence is granted under this Act the person applying for the same, together with two good and sufficient sureties to be approved of by the Colonial Treasurer, shall enter into a Recognizance to Her Majesty in the sum of Five hundred Pounds conditioned for the due and faithful observance of all the Laws relating to the distilling of Spirits in force in this Colony, or which may be in force at any time after the execution of such Recognizance.

Duration of Licence.

9 All Licences granted under this Act shall continue in force until the Thirty-first day of *December* next following the granting thereof; and there shall be paid to the Colonial Treasurer by the person obtaining

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such Licence in respect of every such Licence the sum of Two hundred Pounds; and upon such payment, and upon the production of a certificate from the Chief Inspector of Distilleries that all the requirements of this Act have been complied with, such Licence shall forthwith issue to the person who is entitled to the same.

10 Every Licence granted under this Act may be renewed annually upon the person applying for such renewal paying to the Colonial Treasurer the sum required by this Act to be paid for the Licence which such person desires to renew, and upon receipt of such sum by the Colonial Treasurer, and a certificate from the Chief Inspector of Distilleries that all the Regulations of this or of any other Act in force for the time being relating to the Distillation of Spirits have been complied with: Provided, that if the person applying for such Licence has been convicted of any offence under this Act, or under any Act in force for the time being relating to Distillation, or has forfeited any Recognizance under any such Act, it shall not be lawful for the Colonial Treasurer to grant such Renewal of any former Licence, and he is hereby expressly authorised and directed to refuse the same, unless expressly required by the Governor in Council to issue such Licence.

Renewal of
Licence.

11 It shall be lawful for the Colonial Treasurer to refuse to grant or to renew any Licence under this Act, or to suspend or annul any such Licence, upon proof being given to his satisfaction that the provisions and requirements of this Act, or any of them, have been contravened or have not been fulfilled, or that the Chief Inspector of Distilleries or any other officer appointed under this Act has been obstructed or prevented from performing any part of his duty by the person applying for or holding such Licence or renewal thereof, or by any person acting under his authority or by his direction, or where from the local situation of a Distillery, the Licence for which is required to be granted or renewed, in respect of any Brewery, Vinegar Manufactory, or Manufactory of Cordials in the making of which Spirits are used, or of any store or house in which Spirits are sold either by wholesale or retail, it may appear to the Colonial Treasurer inexpedient to grant such Licence.

Refusal or sus-
pension of Licence.

12 It shall not be lawful for any person who is the owner or part owner, or who has any interest or share in a Distillery, nor for any Medical Practitioner 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 Licence to retail Spirituous or Fermented Liquors; and in case any person who has obtained a Licence for the sale of Fermented or Spirituous Liquors by retail after the obtaining of such Licence becomes the owner or part owner, or has any share or interest in a licensed Distillery, such Licence 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 Spirituous Liquors by retail after having become the owner or part owner, or after obtaining an interest or share in a Licensed Distillery may be prosecuted and convicted as a person selling Fermented or Spirituous Liquors by retail without a Licence.

Certain Licences
to become void in
certain cases.

13 It shall not be lawful for any person who has obtained any such Licence as aforesaid, or for any other person whatsoever, to practise, follow, or use the trade or business of a Brewer, or of a maker of cordials in the manufacture of which Spirits are used, within the premises on which there is a still for the Distillation of Spirits, nor on

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

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any part thereof, nor on any other place or premises within Five hundred yards of the said premises on which there is a still for the Distillation of Spirits, under a penalty of One hundred Pounds: Provided, that the Colonial Treasurer may, if he thinks fit, grant permission in writing to any person as aforesaid to carry on the trade or business as aforesaid at a less distance from the premises on which there is a still for the Distillation of Spirits than Five hundred yards, upon satisfactory proof being given to him that the carrying on such trade or business at a less distance will not be conducive to the violation of the provisions of this or any Acts relating to the Revenue.

No other trades allowed on the premises.

14 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, except by the permission in writing of the Colonial Treasurer upon the certificate of the Chief Inspector of Distilleries or other Officer acting on his behalf: 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.

Premises to be surrounded by a wall or fence.

15 No Licence to distil Spirits shall be granted or renewed unless it is certified by the Chief Inspector of Distilleries or other person authorised under this Act that the premises within which the business of Distillation is to be carried on are properly and securely fenced, walled, or otherwise secured to his satisfaction.

Regulation as to windows in Distilleries.

16 Every Licensed Distiller shall cause windows or convenient apertures to be made in every Licensed Distillery for the admission of sufficient light into every part thereof; and no Licence shall be granted or renewed until it is certified by the Chief Inspector of Distilleries or other Officer that sufficient light has been admitted into the building; and every such Licensed Distiller shall cause lamps or lights, to the satisfaction of the Officer on duty, to be lighted and kept burning at all hours between sunset and sunrise during such times as the Distillery is in operation, and any Distiller who neglects to keep such lamps or lights burning as aforesaid shall be liable to a penalty of Ten Pounds.

Ladders, lights, and assistance to Officer on duty.

17 Every Licensed Distiller shall, on the demand of the Chief or any Inspector of Distilleries, provide strong, safe, and sufficient ladders, which shall be so placed as to enable the Officer on duty to ascend to and examine and descend into any vessel or utensil used on such Distiller's premises; and if such ladders are not provided, or if any such ladder is not fixed or placed at or in any part of such vessel or utensil which such Officer requires, or if sufficient light is not furnished in addition to the lighting of the Distillery hereinbefore mentioned, and sufficient assistance is not supplied by such Licensed Distiller or his servants to such Officer in performing every part of his duty, as well by day as by night, every such Distiller in whose Distillery any such neglect or offence takes place shall be liable for every such neglect or offence to a penalty of One hundred Pounds.

Rubbish, &c. to be removed by Distiller.

18 No rubbish shall be deposited upon the premises of any Distillery; and all materials required for the Distillery shall be deposited in a building appropriated for the reception of the same as herein provided, except coal and fuel, and all coal or fuel shall be so placed as not to obstruct the view of the premises; and all rubbish and any materials,

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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 the Chief or any Inspector of Distilleries, and be placed beyond the premises of the Distillery; and if any Distiller neglects to conform to the provisions of this Clause, or fails forthwith to remove any such rubbish or materials, including coal or fuel as aforesaid, when required so to do by the Chief or any Inspector of Distilleries, he shall be liable to a penalty of Twenty Pounds for every such offence.

19 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 Licence the Distiller shall deliver the key and give over possession of the said Office to an Inspector of Distilleries, and the said Distiller shall thereby relinquish all right to occupancy of the said Office so long as he holds a Licence, or there remains in the certified or Registered store of the premises for which the Licence 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 be liable to a penalty of One hundred Pounds; and every Distiller licensed as aforesaid for any Distillery, not being situated in a Town or City or within One mile thereof, shall provide (if required so to do by the Colonial Treasurer) fit and proper lodgings or rooms for the residence of the Officer or Officers who may from time to time be placed in charge of such Distillery, at some convenient situation to be approved of by the Chief Inspector of Distilleries, and at reasonable cost not exceeding Thirty Pounds per annum; and if any person so licensed refuses or neglects to provide such lodgings as aforesaid, it shall be lawful for the Colonial Treasurer to suspend, revoke, or annul the Licence so granted under this Act.

Office for the Inspector.

20 Before any such Licence for the Distillation of Spirits is granted or renewed, it shall be certified by an Inspector of Distilleries or other person appointed under this Act, that there is erected upon the premises for which a Licence is sought to be obtained or renewed, a Cellar or Store-room in which Spirits when distilled shall be deposited, that it is a solid building of stone or brick ceiled in the inside with mortar made of lime and sand, that each and every window is secured with iron bars not less than one and a half inch square or one and a half inches 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 an Officer appointed under this Act, and one lock furnished and the key kept by the Distiller; that the vats destined for the storing of Spirits within such cellar or store-room 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 cellar or store-room is in every respect in good repair and sufficiently secure for the purposes of this Act.

Spirit Store to be certified.

21 A particular description of the certified cellar or store-room for the reception of Spirits when distilled, shall be made and registered by an Inspector of Distilleries in the form in the Schedule (3.), or in words to the like effect, and kept by him with the other Records of his Office,

Spirit cellar or store-room to be registered. Schedule (3)

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and all Spirits found in any place on the premises except in the said cellar or store-room so registered, or in the vessels or 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 be liable to a penalty of Forty Shillings for every gallon of Spirits so found.

Store for materials to be certified.

22 Before any such Licence for the Distillation of Spirits is granted or renewed (should it be deemed necessary by the Colonial Treasurer), it shall be certified by the Chief Inspector of Distilleries or other person appointed under this Act, that there is erected upon the premises for which a Licence is sought to be obtained or renewed, a Store or Stores for the reception of Colonial Produce which may be intended to be used in the process of Distillation, that such store or stores is or are properly and 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, that it is provided with the means of being secured by three locks, of which two shall be supplied and the keys kept by an Officer appointed under this Act, and one lock furnished and the key kept by the Distiller.

Store for materials to be registered.

Schedule (3.)

23 A particular description of the said certified Store for the reception of Colonial Produce which may be used in the process of Distillation, shall be made and registered by the Chief Inspector of Distilleries in the form in the Schedule (3.), or in words to the like effect, and kept by him with the other Records of his Office; and 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 be liable to a penalty of Forty Shillings for every hundredweight of material so found.

Regulation of material Store.

24 The said certified and registered Store for the reception of Colonial Produce to be used in the process of Distillation, may be opened for the purpose of admitting such produce 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 an account thereof; and the said store shall be opened for the delivery of such produce 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 produce shall be weighed by the Distiller or his servants in the presence and to the satisfaction of an Inspector of Distilleries, who shall take an 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.

Provisions of Act to be complied with before Licence renewed.

25 No Licence to distil Spirits (except as hereinbefore provided) shall be granted or renewed unless it is 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 Licence is sought to be obtained or renewed,

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and that the provisions hereinafter expressed with regard to their arrangement have been complied with; and every person applying for such Licence 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,) 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: Provided always, that it shall be lawful for a Distiller to have one intermediate still-charger in connexion with each charger.

26 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 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 or pipe fixed thereto 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 to 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 be of sufficient capacity as to contain the entire running and produce of low wines from the largest wash-back, and 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 or pipe 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 charger 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 receivers 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, pipe or pipes, to be fixed as aforesaid to the low-wines receiver and feints receiver respectively, and each 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 or pipe fixed thereto for the conveyance of spirits from

Description of wash-charger.

Low-wines receiver.

Feints receiver.

Low-wines and feints charger.

Spirit receiver.

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Intermediate
still-charger.

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 every intermediate still-charger (if such vessel be used), shall be a close-covered vessel, and shall be so constructed as to have no hole or opening therein nor any communication with any other vessel or utensil whatever, except one fixed entrance-pipe with a cock thereon leading from any such wash-charger or low-wines charger and feints charger and one fixed discharge-pipe with a cock thereon leading from such still-charger to any such still: 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 is made use of in any Distillery which is not erected, kept, and constructed in manner herein directed, or which has 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 is made use of which is not placed, kept, and constructed in manner herein directed, or if there is any communication with any other vessel or utensil whatsoever other than as by this Act is required, authorised, 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 Section remains in the Distillery of such Distiller.

Return of gauges.

27 Every Distiller shall, immediately on obtaining his Licence 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 in respect of vessels intended to contain Spirits the number of Imperial gallons that every inch and tenth of an inch of the height thereof are respectively capable of containing, and such Return shall not be held to be a lawful return until it has been verified by actual admeasurement and countersigned by an Inspector of Distilleries, and the said Return so furnished shall be kept and registered by the Chief Inspector of Distilleries; and vessels or utensils found on the said premises which are not 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 commences the operation of making or brewing worts before the provisions herein contained have been complied with shall be liable to a penalty of One hundred Pounds: Provided that the Chief Inspector of Distilleries may, upon sufficient reason being assigned, permit a re-gauge of such vessels to be made, and the result of such re-gauge, upon being

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verified as aforesaid, shall be taken to be the true contents of such vessels so re-gauged, and which re-measurements shall be registered as aforesaid.

28 Where any pipe or tube used in any Distillery passes below the ground, such pipe or tube shall 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 fails to comply with the provisions herein contained shall be liable to a penalty of Two hundred Pounds.

Underground pipes to be enclosed in wooden cases.

29 The end of every tail-pipe belonging to every still of every Distiller shall be enclosed and secured at the expense of the Distiller in such manner and by such mechanism and means as the Chief Inspector of Distilleries may direct; and 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 is not secured by such mechanism and means as is so directed, or if the whole of the spirits, low wines, and feints coming from any such tail-pipe is not run into such safe so enclosed and secured as aforesaid, or if such spirits, low wines, and feints respectively, and every part thereof, are not 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 are not paid by or on behalf of such Distiller to such Officer, or if such mechanism and means of enclosing the end of such tail-pipe and safe as aforesaid are not 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 are so enclosed and secured as aforesaid or any part thereof is destroyed or injured, or if by any art or contrivance any access is 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 is in any manner hindered, prevented from, or obstructed 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 be liable to a penalty of Two hundred Pounds.

Ends of tail-pipes to be secured.

30 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 is from time to time 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 a manner that all wash or liquor put therein shall forthwith run 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

Discharge cocks of the fermenting back.

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into such fermenting back from the coolers ; and if such discharge-cock or plug is not provided and fixed as aforesaid, or if such main pipe or open trough is not placed and fixed as aforesaid, or if there is any other pipe, conveyance or cock to or from any fermenting-back except as aforesaid, then and in every such case such Distiller shall be liable to a penalty 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.

31 The pipes, troughs, sluices, or cocks for the conveyance of worts into the fermenting backs of every Distillery shall be secure and stanch so that there is no leakage therefrom ; and any Distiller who fails 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 be liable to a penalty of One hundred Pounds.

Utensils, &c. to be kept in repair.

32 Every Distiller shall at his own expense and charge provide, maintain, and keep in repair 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 shall paint or cause to be legibly painted, and shall keep or cause to be kept so painted upon some conspicuous part of every fixed utensil intended to be used in the Distillery of such Distiller, and on the outside of the door of every store, apartment, or place wherein any part of the business of such Distillery is to be carried on, or wherein any materials for distilling spirits are to be kept or stored, or any spirits are to be kept or stored, separate numbers relating to each and every such utensil, store, apartment, or place in arithmetical progression, beginning with number one, together with the name of such utensil, store, apartment, or place according to the purpose for which the same is intended to be used, and which numbers shall correspond with the plan hereinbefore required to be furnished, and every Distiller failing herein shall be liable to a penalty of One hundred Pounds.

Dipping-holes.

33 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 is not such opening or dipping-place so constructed and secured as aforesaid, or if any such back or vessel is not placed and kept in a convenient situation and easy of access to the Officer as aforesaid, or

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if the Officer is at any time by any means whatever, or in any manner whatever, prevented from ascertaining 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 be liable to a penalty of Two hundred Pounds.

34 If the size, situation, or position of any vessel, utensil, or pipe is in any manner altered at any time after such return or plan as is required by this Act has been made or given thereof, unless on such notice as is herein provided, then, and in each and every such case, such Distiller offending therein shall be liable to a penalty of Two hundred Pounds: Provided, that it shall and may be lawful for such Distiller 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 to make 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.

35 The Chief Inspector of Distilleries shall provide a book, to be called a Notice Book, to be kept in every Distillery by the Distiller or by his servants; and before any Notice or Declaration by this Act required to be given or delivered is 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 an Inspector of Distilleries at the Distillery; and if any Distiller or any person on his behalf to whom any such book is tendered refuses to receive the same, or if the particulars of all such Notices or Declarations respectively are not inserted in such book, or if any untrue entry is made therein, or if such book or any entry therein is defaced, obliterated, or altered by any such Distiller or by any person employed in the Distillery, or if such book is not at any time delivered to any Inspector of Distilleries on his demanding the same, then, and in every such case, such Distiller shall be liable to a penalty of Two hundred Pounds.

Notice Book.

36 Any Notice or Declaration which is given or served by or on behalf of any Distiller 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, although such Notice or Declaration is not in the form or shall not contain the several particulars, or is not 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 to allege any imperfection or defect in any such Notice or Declaration, or in giving or serving the same.

Entries in Notice Book how to be effectual.

37 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 kind of material and the weight thereof which he intends to use during the Twenty-four hours next following on the expiration of the said Sixteen hours, and similar notice shall be given from day to day of every such mashing; and if any Distiller commences mashing

Notice of mashing

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without having given such notice, he shall be liable to a penalty of One hundred Pounds: Provided 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.

38 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 given One hour's notice thereof to 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; and any Distiller offending against the provisions herein contained shall be liable to a penalty of Two hundred Pounds: Provided, that at any time before the declaration of the specific gravity first hereinafter mentioned it shall be lawful for the Distiller to make use of spent wash in the preparation of worts.

Notice of setting up backs.

39 Before any worts are 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 any Distiller failing herein shall be liable to a penalty of Fifty Pounds.

Declaration of the highest specific gravity, &c.

40 Within Twenty-four hours after any worts 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 has 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 are conveyed into and collected in any fermenting-back or backs in any other manner than as is herein directed, or if any untrue declaration is given, or if such declaration is not given as is herein required, then and in every such case the Distiller shall be liable to a penalty of Two hundred Pounds.

Increase of specific gravity, or quantity.

41 If, at any time beyond Six hours after any such declaration as aforesaid is delivered, the specific gravity of any such worts or wash is found to exceed the specific gravity specified in such declaration by five per centum, or if the quantity of any such worts or wash is found to exceed by five per centum the quantity of wort mentioned in such declaration as the quantity collected as aforesaid, then and in every such case the Distiller shall be liable to a penalty of Two hundred Pounds.

And proceedings therein.

42 If, at any time after any Inspector of Distilleries has taken an account of and ascertained the specific gravity and quantity of any wort or wash in any fermenting-back, any wort is found in such back, or any wash in process of fermentation is found in such back which exceeds in gravity by five per centum or more the wort or wash in such back of which such account has been taken, or which exceeds in quantity by five per centum or more the wort or wash in such fermenting-back of which such account has 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 is 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 has been

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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 or wash actually distilled or decreased, and such Distiller shall also for every such offence be liable to a penalty of Two hundred Pounds.

43 All wash which is 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 wine; and all low wines shall be conveyed directly from the safe at the worm end of the 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 spirits-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 are 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 receiver shall in any case be removed from thence except by pumping or conveying such feints 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 is 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 ferments or suffers to be fermented any wash, or removes or distils or suffers 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 does 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 case, be liable to a penalty 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 informs or sues for the same.

Course of wash through the different vessels.

44 If any licensed Distiller makes use of any apparatus for distilling by means of which spirits are capable of being produced without the previous or intermediate production of low wines, then the spirits so made shall be conveyed direct from the condensing chamber or safe by means of a close metal pipe into the receiver, which shall be placed in the spirit cellar or store-room hereinbefore mentioned.

Regulation for production of spirits without previous production of low wines.

45 If at any time it is made to appear to the satisfaction of the Chief Inspector of Distilleries that any spirits distilled have become

Impure spirits may be re-distilled.

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impure from having passed through pipes or vessels which have become foul, it shall be lawful for such Chief Inspector by writing under his hand to permit the re-distillation of such impure spirits, and to make an allowance for loss arising from such redistillation: Provided, that in no case shall such allowance exceed two per centum on the number of gallons of spirits delivered out of the cellar or store-room hereinbefore mentioned for such re-distillation.

Wash-charger to be cleaned out.

46 If the wash-charger in any Distillery is not thoroughly cleaned out when required so to be done by notice from the Chief Inspector of Distilleries, the licensed Distiller shall be liable to a penalty of Fifty Pounds.

Notice of charging the wash-charger.

47 One hour before any wash is conveyed from any fermenting wash-back in the Distillery of any licensed Distiller, a notice in writing shall be given to the Officer on duty by such Distiller or by any person on his behalf, in which notice 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 shall attend at the time specified in such notice, and after he has 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 is contained in such fermenting wash-back shall be conveyed into such charger in manner hereinbefore prescribed; and such Officer, after having affixed and secured the fastenings which he had so removed, shall be at liberty and is hereby authorised 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 is removed before such notice has been given, or is removed or conveyed from any other back, or at or in any other time or manner than has been mentioned in such notice, or before the Officer on duty has 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 be liable to a penalty of Two hundred Pounds.

Officer may lock coverings, &c.

48 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 are opened, unfastened, or unlocked by or in the presence of any Inspector as aforesaid.

Officer may empty worm tubs,

49 Whenever any Inspector or other Officer of Distilleries, having reason to suspect that any fraud is practised against the Revenue or the provisions of this Act or of any Acts which may hereafter be in force relating to Distilleries, requires that the water contained in any worm-tub belonging to any still, at any time when such still is not at work, shall be drawn or run off and the tub and worm cleaned by the Distiller, his servants or workmen, and if the water is not 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

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examination of such tub and the worm therein, the Distiller at whose Distillery such worm-tub is situate shall be liable to a penalty 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 thinks necessary.

50 It shall and may be lawful for any Officer and he is hereby authorised 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 the sanction of the Colonial Treasurer ; 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, 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. Officer may distil a sample.

51 It shall be lawful for any Inspector of Distilleries from time to time, and whenever and as often as such Inspector deems it expedient so to do, to take 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 thinks 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 is so taken : Provided, that before any such sample is 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 thinks fit so to do. Officer may take samples and make trials.

52 It shall be lawful for the Chief Inspector to erect and keep a still in any Distillery, or in any place sanctioned by the Colonial Treasurer, 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, or for carrying on experiments. Chief Inspector may erect a still.

53 It shall be lawful for the Chief Inspector of Distilleries or for any Inspector of Distilleries 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 directs or requires, 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 Chief Inspector may superintend the distillation of a charge of wash.

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matter or thing whatsoever until such Officer has taken an account of the quantity and strength of such low wines ; and if such low wines receiver is not emptied and cleaned out, or if such wash is not conveyed into such wash-still or from such wash-back as is required by such Officer, or if such aid and assistance and fuel is not 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 are not kept in such receiver unmixed as aforesaid until such Officer has taken such account as aforesaid, then and in every such case every such Distiller shall for each default or offence be liable to a penalty of Two hundred Pounds.

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

54 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 fermented liquor whatsoever which has not 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 : Provided, that nothing herein contained shall be construed to prevent any Licensed Distiller from adding, as hereinafter provided, spirits made elsewhere for the purpose of imparting a flavour to any spirits made by such Distiller

Saccharometers.

55 Any Saccharometers may be used for ascertaining the specific gravity of wort or wash under this Act which may from time to time be prescribed for that purpose by the Colonial Treasurer, and 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 be taken to be of the specific gravity at which the said Saccharometer on the application thereof denotes or indicates such wort or wash to be.

Hydrometer.

56 All spirits shall be deemed and taken to be of the degree of strength indicated by the description of Hydrometer usually known as *Sykes's* Hydrometer : Provided, that it shall be lawful for the Governor in Council, by notice in the *Gazette*, to direct that the quantity of alcohol contained in any wines or spirits shall be ascertained by the instruments known as *Field's* patent Alcoholmeter, or by any other improved instrument which the Governor in Council in the manner above mentioned prescribes.

No mashing or distilling on Sunday.

57 If any material capable of fermentation is mashed, or if any still is made use of in the Distillery of any Distiller licensed under this Act, during any part of Sunday, such Distiller in each and every such case shall be liable to a penalty of Fifty Pounds.

Rate of duty.

58 From and after the commencement of this Act there shall be paid, levied, and collected towards the General Revenue a duty of Ten Shillings upon every gallon of spirits that may be distilled in *Tasmania*, and such duty shall be paid upon the gallon standard measure of spirits of the strength of proof by *Sykes's* Hydrometer, and so in proportion for any greater or less strength than proof, and also upon any deficiencies ascertained in the manner hereinafter directed.

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59 At the expiration of every month, 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 by an Inspector of Distilleries :—

Modes of charging duty.

First.—Of the quantity of spirits computed at proof made by the Distiller during any such period of One month, from worts or wash mashed, fermented, or made in his Distillery, together with the quantity of proof spirits in and equivalent to the low wines and feints remaining on hand at the termination of such period, after making an allowance on such low wines and feints of not more than Two and a half *per centum*; and from the quantity so ascertained shall be deducted a quantity of proof spirits equivalent to that of the feints or low wines which may have remained on hand after making the allowance aforesaid at the end of the previous month, and which may have been included in the account of spirits, feints, and low wines then taken.

1st. By quantity of spirits produced.

Second.—Of the quantity and strength of the low wines which have been produced from the distillation of the said worts or wash during such period, and shall compute and ascertain the quantity of proof spirit in and equivalent to such low wines according to the strength and quality thereof, after making an allowance of Five *per centum* on such quantity.

2nd. By the produce as found in the low wines.

Third.—Of the quantity of proof spirit which ought to have been produced from the worts or wash mashed, fermented, or made in the Distillery of any Distiller, according to the respective rates hereinafter expressed, and as the case may require, after making an allowance on the quantity of spirits ascertained by such computation of not more than Three *per centum*; (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, it shall be lawful to compute a quantity of proof spirit at the rate of One gallon 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, 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 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 appears 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 is less than the quantity of proof spirit which ought to have been produced by the computation of low wines as aforesaid, or 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 upon the greatest amount of deficiency ascertained by such comparison.

Computation rateably with the attenuation.

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Provided that in cases where an apparatus is made use of by means of which spirits are capable of being produced without the previous or intermediate production of low wines, then the Distiller shall pay duty upon the deficiency found or ascertained by comparison of the first and third modes of computation as aforesaid.

Duty chargeable on deficiency.

60 Whenever any such deficiency is found to exist, it shall not be lawful for any Distiller, after he has 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 Collector of Customs or other Officer appointed to receive the same, either to commence the operation of mashing or to remove any spirits out of the certified and registered cellar or store-room; and any Distiller offending herein shall be liable to a penalty of Two hundred Pounds.

Regulation to facilitate monthly accounts.

61 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 cellar or store-room for the reception of spirits, nor to have or keep in any vessel any wort or wash the lowest specific gravity of which has been declared pursuant to this Act; and any Distiller offending herein shall be liable to a penalty of Fifty Pounds.

Distiller made chargeable according to the highest gauge.

62 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 is at any time 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* takes 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.

Spirits to be kept in vats only.

63 Within the certified and registered cellar or store-room for the reception of spirits, the spirits shall be kept in vats only and not in casks, except by direction or with the sanction of the Chief Inspector of Distilleries; and no vat shall be erected in the said cellar or store-room which is not capable of containing at least Three hundred liquid gallons; and every Distiller who does not comply with the enactments of this Clause shall be liable to a penalty of Fifty Pounds.

Change in form of utensils.

64 If at any time it is made to appear to the Colonial Treasurer that in any distilling apparatus used in any Distillery any vessel or utensil is required of a character, form, and description different from those hereinbefore mentioned, and that such vessel or utensil so required will not in any way be conducive to any evasion of the provisions of this Act, it shall be lawful for the Colonial Treasurer to make Rules and Regulations permitting the use of such vessels and utensils as if the same had been expressly authorised by this Act.

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65 No spirits shall be drawn out of the vat or vats hereinbefore mentioned except between the hours of Eight in the forenoon and Four in the afternoon in the presence of the Officer on duty; and if any Distiller draws off any spirits at any other time, or in the absence of such Officer, such Distiller shall be liable to a penalty of One hundred Pounds.

Limitation of hours for drawing off spirits.

66 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 is from time to time conveyed into such stock, and credit the same with the full quantity of spirits computed at proof which is 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 is then in the certified and registered cellar or store-room of the Distillery for the purpose of balancing the said accounts; and if at any time the quantity of spirits in such certified and registered cellar or store-room is less than the quantity of spirits which by the stock accounts kept by such Officer ought to be in the stock and in the possession of such Distiller, every such Distiller shall be liable to a penalty of Twelve Shillings for every gallon which is so deficient: Provided that, independently of the allowance made or to be made for colouring as hereinbefore mentioned, no Distiller shall be liable to such penalty in any case in which such decrease or deficiency shall not exceed Three *per centum* on the balance left at the last monthly taking of stock and on the quantity of proof spirits brought into stock since last monthly taking of stock: Provided also, that if any decrease or deficiency arises greater than that which is hereinbefore authorised to be allowed for colouring, together with the Three *per centum* hereinbefore authorised to be allowed on the credit of such monthly stock account, then no allowance except that for colouring shall be made, unless such Distiller proves to the satisfaction of the Chief Inspector of Distilleries, or other Officer acting on his behalf, that such decrease or deficiency arose from leakage, absorption, fire, unusual evaporation, or other cause over which such Distiller had no control, and not from any fraud or culpable negligence.

Stock Account to be kept.

67 No cask or vessel of any kind shall be admitted into the certified or registered cellar or store-room for the reception of spirits for the purpose of being filled from any of the said vats which is not capable of containing at least Ten Imperial gallons; and 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; and if the Duty due on the spirits contained in any such casks or vessels is not paid within Forty-eight hours, or if the said casks or vessels are 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 cellar or store-room; and any Distiller who keeps any such cask or vessel more than Forty-eight hours within such store, or who refuses or fails to return the contents of such cask or vessel into the vat or vats as herein enacted, shall be liable to a penalty 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 cellar or store-room upon receiving permission in writing from the Chief Inspector of Distilleries so to do.

Limitation in the size of casks.

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Allowance where spirits are destroyed by fire, &c.

68 In case any spirits are destroyed by fire or other inevitable accident, the Chief Inspector of Distilleries shall certify to the Colonial Treasurer that such fire or other accident has taken place, together with the cause thereof, so far as the same can be ascertained, and that such fire or other accident has arisen without any default of the Distiller, in which case no Duty shall be demanded of or paid by such Distiller on any spirits so destroyed, neither shall any Duty be demanded or paid for or in respect of any spirits lost by the leakage or bilging of any vessel; and in case of any such loss as aforesaid it shall not be lawful for any Distiller to maintain any action or suit against any Officer or person whatsoever acting under authority of this Act, or of any Act which may hereafter be in force respecting the distillation of spirits or the regulation of distilleries, for any compensation or damage for or on account of such loss.

Certificate of payment of duty.

69 All duties chargeable on spirits distilled within this Colony, or on any deficiency appearing on monthly computation as aforesaid, shall be paid to the Collector of Customs, or to such other person or persons as the Governor in Council appoints 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 premises liable for Duty in arrear, or for penalties.

70 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 in trust for him, or into whose hands soever the same shall come, and by what conveyance or title soever the same is 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 committed against this or any other Act which may hereafter be in force relating to distillation; and it shall 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 that when the same 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 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.

71 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 under this Act, such permit to contain the Distiller's name and the place from whence such spirits are to be removed, the vessel or vessels in which such 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 delivered or forwarded; and such permit shall also

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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 have not been previously lodged and deposited in the certified and registered cellar or store-room; 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 other Officer aforesaid, the Certificate of the said Collector of Customs, or other person appointed as aforesaid, that the Duty upon such spirits intended to be removed has been duly paid, or that due entry thereof has been made in manner hereinafter provided.

72 All spirits removed from the premises of any Distiller without a permit as aforesaid, or after the time authorised by this Act has expired, shall be seized and forfeited, together with the cask or casks in which the same are 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.

73 It shall be lawful for any Inspector of Distilleries, Officer of Customs, Police Constable, or any person appointed as aforesaid to stop and detain any person who is 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 endorse 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 refuses to produce such permit or permits as aforesaid immediately on being required so to do by any Officer for the purposes aforesaid, or is found removing or carrying any such spirits without a lawful permit, every such person shall for every such offence be liable to a penalty of One hundred Pounds; and it shall be lawful for such Officer, and he is hereby authorised, 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 a Justice of the Peace residing near to the place where any such person is so stopped or arrested; and it shall be lawful for such Justice, and he is 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.

Officers may stop persons removing spirits and examine permits.

74 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.

75 It shall not be lawful for any Distiller, or any 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

Distance between Duty paid spirit store and Distillery.

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any Distiller offending against the provisions of this enactment shall be liable to a penalty of Two hundred Pounds.

Mode of ascertaining quantity of spirits by weighing.

76 For the purpose of ascertaining the quantity of spirits contained in any cask or vessel by weighing the same, such Table as the Governor from time to time directs shall be used in connexion with *Sykes's* Hydrometer, and the number of pounds and decimal parts of pounds in any such Table corresponding to the indication by *Sykes's* Hydrometer of the spirits so weighed shall be deemed to be weight in pounds and decimal parts of pounds contained in One liquid gallon of such spirits; and the net weight in pounds of such spirits divided by the weight contained in One gallon of the spirits so weighed shall be the number of liquid gallons and fractional parts of a liquid gallon contained in such cask or vessel of spirits in the store of any Distiller; and such Distiller shall cause to be cut, branded, or painted in oil paint on the outside of the head of such cask or vessel the tare or weight in pounds of such cask when empty; and any Distiller failing or neglecting to have such tare legibly cut, branded, or painted in oil paint on the outside of the head of such cask or vessel shall for every such offence be liable to a penalty of Five Pounds; and for the purpose of weighing such spirits every Distiller shall provide sufficient and just scales and weights or weighing apparatus to be approved of by the Chief Inspector of Distilleries, and a set of standard measures for the purpose of weighing, measuring, and taking an account of the spirits distilled by such Distiller, and of any cask or vessel used for the purpose of containing spirits; and such Distiller shall maintain and keep such scales, weights, and measures conveniently placed in his Distillery, and at all times ready for use, and shall permit and suffer any Inspector of Distilleries to use the same for the purpose aforesaid; and if any Distiller does not provide, keep, and maintain such scales and weights, or weighing apparatus and measures as aforesaid, or refuses to permit any Inspector of Distilleries to use the same as aforesaid, or uses, or causes or procures or suffers to be used, any false, unjust, or insufficient scales, weights, or measures, or practises any art, device, or contrivance by which any such Inspector of Distilleries may be hindered or prevented from taking the just or true weight or measure of such spirits, or any cask or vessel used for the purpose of containing spirits, then and in every such case such Distiller shall forfeit and pay the sum of Fifty Pounds; and all such false or insufficient scales, weights, weighing apparatus, and measures respectively may be seized by an Inspector of Distilleries and shall be forfeited: Provided, that it shall be lawful for the Chief Inspector of Distilleries, or any Officer acting under him, to ascertain the quantity of spirits contained in any cask or vessel by measurement or gauging as the case may require.

Regulations for removal of spirits.

77 It shall be lawful for the Colonial Treasurer to grant permission for the removal of spirits in such quantities and under such Regulations as he may from time to time direct, from any Bonding Warehouse to the certified and registered cellars and store-room of any Distiller for the purpose of being mixed with and imparting a flavour to the spirits distilled by such Distiller, and the spirits so received and intermixed shall be subject to such allowance for natural waste as if distilled in such Distillery: Provided that if the spirits so required to be removed from a Bonding Warehouse are for intermixture with spirits distilled and vatted for exportation, then no duty shall be chargeable on such spirits so removed; but if for intermixture with spirits distilled and vatted for home consumption, then if the duty on imported spirits is

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greater than that payable on Colonial distilled Spirits, the difference of such rates of duty shall be paid on every proof gallon and fraction of gallon of such spirits before removal from such Bonding Warehouse to such cellars or store of such Distiller.

78 It shall be lawful for the Colonial Treasurer to grant permission to any Distiller to deposit in a warehouse (erected on the premises of such Distiller, and approved of by such Colonial Treasurer and under such Regulations as he may from time to time make), spirits from the registered cellar or store-room of such Distillery without payment thereon; and such spirits and no other shall be secured under the locks of the Crown in such Bonding Warehouse; and in respect of deficiencies arising on spirits so warehoused such abatement and allowance shall be made as may be sanctioned by the Colonial Treasurer: Provided that all spirits so warehoused if not removed from such warehouse within the period of Three years shall, at the expiration of that time, be examined by the proper Officer; and the duty upon any difference or deficiency between the quantity ascertained on being first warehoused and the quantity found to exist at such examination shall, subject to such allowance as may be sanctioned as aforesaid, be paid down; and the quantity so found shall be re-warehoused in the same manner as at first.

Warehousing of spirits.

79 It shall be lawful for the Governor to appoint any other Bonding Warehouse for the purpose of lodging under bond any spirits distilled under the provisions of this Act, without the payment of duty; and the spirits so lodged shall be subject to the same rules and regulations in respect of regauging and leakage as imported spirits when in bond in any Bonding Warehouse under the supervision of the Collector or other Chief Officer of Customs.

Appointment of Bonding Warehouses.

80 Before any spirits are removed from the certified and registered cellar or store-room of any Distiller, or from the bonded store erected as aforesaid on the premises of such Distiller to any Bonded Warehouse under the supervision of the Customs, 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 or Bonding Warehouse erected on the premises of said Distiller to the Bonding Warehouse named in the warrant; and upon the delivery of the warrant aforesaid 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 Bonding Warehouse named in the margin; and upon the removal of such spirits aforesaid it shall be re-weighed in the presence of such Officer, who shall thereupon give a receipt for the same to the Officer on duty at the Distillery.

Entry to be made before removal.

81 It shall be lawful for the Colonial Treasurer, by writing under his hand, to permit spirits lodged in any Bonding Warehouse as aforesaid, to be used for the purpose of dissolving resins and gums for

Spirits may be used for varnishes.

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varnishes and other like manufacturing purposes for which methylated spirits are used and required, and for that purpose such spirits so to be used shall be mixed with purified wood naphtha in such quantities and of such quality as the Colonial Treasurer directs, so that such spirits so methylated shall be rendered wholly unfit for human consumption, and such spirits so methylated may be delivered out of such Bonding Warehouse without payment of Duty: Provided that the process of mixing hereinbefore mentioned shall be performed under the supervision and in the presence of an Officer appointed to superintend the same.

Spirits may be removed to any Colonial Port, under bond.

82 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 this 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 upon being landed to the Officer appointed to receive the same, or for the safe deposit of the same in some duly approved Bonded Warehouse at such port.

Spirits may be exported.

83 It shall be lawful to export spirits distilled in the Colony to parts beyond the seas without payment of duty.

Spirits may be exported under bond.

84 Before any spirits distilled in the Colony and deposited in any such Bonding Warehouse, are so exported to places beyond the limits of this 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 duty which would be payable thereon if entered for home consumption, with one sufficient surety to be approved of by the Collector or other Chief Officer of Customs, that the same shall be landed at the place for which they are entered outwards, or be otherwise accounted for to the satisfaction of the said Collector or other Chief Officer of Customs.

Mode of proceeding where spirits are entered for home consumption.

85 When any spirits deposited in the Bonding Store attached to any Distillery are required for home consumption, for exportation, or for ships' stores, the Distiller shall procure from the Inspector of Distilleries, or other Officer on duty at and in charge of such store, a Certificate on which shall be written the distinguishing mark or number of each cask, also the number of proof gallons in each cask so required for home consumption, for exportation, or for ships' stores, as the case may be; and thereupon such Distiller shall present such Certificate to the Collector or other Chief Officer of Customs, and shall make entry and pay duty thereon if such spirits are required for home consumption, or make entry and enter into the necessary Bond if such spirits are required for exportation, and the said Collector shall thereupon grant a warrant for the due delivery of the spirits in the same manner and form as is required in the case of imported spirits when delivering from a Bonding Warehouse; and such warrant, on being delivered to the Officer on duty at and in charge of the said store, shall be a sufficient order for the delivery of the spirits mentioned therein.

Duties how to be paid.

86 All duties on spirits distilled in this Colony, and deposited in other Bonding Warehouses under the supervision of the Collector of Customs, shall be paid to the Collector of Customs in the same manner

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and under the same regulations as for imported spirits in Bond: Provided, that in places where there is no Collector of Customs, the Duties on spirits distilled in the Colony as aforesaid shall be paid to such other Officer as the Governor may appoint to receive the same, in the same manner and under the same regulations as if paid to a Collector of Customs.

87 It shall be lawful for any Inspector of Distilleries, Officer of Customs, or any person appointed as aforesaid, to seize all or any spirits on which the full amount of duty chargeable has not been paid, except as may be provided in any Act now or hereafter in force relating to the Distillation of Spirits in this Colony, or in any Act relating to the Customs; and all such spirits so seized shall be forfeited. Seizure of spirits.

88 It shall be lawful to and for any Inspector of Distilleries, or any person authorised, or any person acting in aid of such Inspector or person, 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 leads, and break up or cut away any such pipe, cock, or other conveyance, and to turn any cock or cocks, and to examine whether any 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. Officer may break up ground on the premises of a Distiller.

89 It shall be lawful for any Inspector of Distilleries, or other person authorised as hereinbefore mentioned, to enter into and upon the premises of any Distiller 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, or of any Act which may hereafter be in force respecting distillation. Officer may enter premises and seize spirits.

90 It shall not be lawful for any person to commence to make, or to land out of any ship, any still, still-head, worm, or other utensil for distilling whatsoever without having first given notice thereof in writing to the Chief Inspector of Distilleries, and every such notice shall set forth the number of gallons which such still is capable of containing; and every person who commences to make, or who lands out of any ship, any still, still-head, worm, or other utensil for distilling whatsoever, without having first given such notice as aforesaid, shall be liable to a penalty not exceeding Fifty Pounds. Notice of making or importing stills.

91 It shall not be lawful for any person to sell any still, still-head, worm, or other utensil for distilling whatsoever, either separately or as part of any house, building, premises, or place in which any still is erected, without having given notice in writing to the Chief Inspector of Distilleries of the name and residence of the purchaser thereof, and also of the number of gallons which such still is capable of containing. Notice of selling stills.

92 It shall be lawful for any Inspector of Distilleries, or other Officer appointed under the provisions of this Act, upon reasonable suspicion, to stop any cart, dray, or other vehicle whatsoever, and to Inspector may stop carts

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examine all goods carried thereon, for the purpose of ascertaining whether any unlicensed still, worm, or other utensil or apparatus for distilling spirits upon which the full duty has not been paid are contained or carried thereon; and if no such goods are found, then and in all such cases the Inspector or other Officer so stopping and examining such cart, dray, or other vehicle, having had reasonable and probable cause to suspect that the goods as aforesaid were contained or carried thereon, shall not on account of such stoppage and search be liable to any prosecution or action at law on account thereof; and any person who obstructs or offers any hindrance to any such Inspector or other Officer as aforesaid in the performance of his duties shall be liable to a penalty not exceeding Fifty Pounds; and if any unlicensed still, worm, or other utensil or apparatus for distilling is found in or on any such dray, cart, or other vehicle, the same shall be forfeited, together with the said vehicle and the horse or horses or other cattle drawing the same, and the owner thereof shall be liable to a penalty of not less than Twenty Pounds nor more than One hundred Pounds.

Obstructing
Officer, penalty.

93 Any person who in any manner obstructs any Officer appointed under the provisions of this Act, or any person acting on his behalf in the execution of any of their duties, or in the due seizing of any goods liable to forfeiture under this Act, or rescues or causes to be rescued, or aids and abets in rescuing any goods or person who or which has been seized or arrested, or attempts or endeavours so to do, or before or at or after any seizure steals, breaks, or otherwise destroys any goods to prevent the seizure or securing thereof, such person shall, upon conviction of any of the said offences before any Two Justices of the Peace, be adjudged by such Justices to be imprisoned in any Gaol, with or without hard labour, for any term not exceeding Two years, or at the discretion of such Justices for every such offence shall be liable to a penalty not exceeding One hundred pounds nor less than Twenty Pounds.

Assaulting or
resisting Officer,
penalty.

94 If any person assaults, or by force or violence resists, opposes, molests, hinders, or obstructs any Officer appointed under this Act, or any person acting on his behalf, every person so offending, or aiding or abetting or assisting therein, shall be liable, at the discretion of the Court before which he is convicted, to be imprisoned in any Gaol with hard labour for any term not less than Three months nor more than Five years.

Bribes, how
punishable.

95 If any person gives, offers, or promises to give any bribe, recompense, or reward, or makes, or offers to make, any collusive agreement with any Inspector of Distilleries, Officer of Customs, or other person authorised 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 Distillation may be evaded, every such person so offending shall be liable to a penalty not exceeding Two hundred Pounds, whether such gift or offer is accepted or such promise performed or not; and any Inspector of Distilleries, Officer of Customs, or other person appointed as aforesaid who directly or indirectly takes or receives any bribe, recompense, or reward, or in any way neglects his duty, or conceals or connives at any act whereby any of the provisions of this or any other such Act as aforesaid may be evaded, shall be liable to a penalty not exceeding Two hundred Pounds.

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- 96** If any spirits or other property is seized or stopped for any cause of forfeiture, and any dispute arises as to ownership, or whether the Duty has been paid for the same, or if any suit or action is brought for any nonpayment of licence or other fee under this Act, the proof thereof shall be on the owner or claimant of such goods, or upon the defendant in any suit for payment of licence or other fees, and not on the Officer who seizes, stops, or sues for the same. Onus of proof to be on claimant.
- 97** All informations, suits, or actions for the recovery of any fine, forfeiture, or penalty imposed by this Act, or by any Act which may hereafter be in force for the regulation of Distilleries, may be heard and determined in a summary way before any Two or more Justices of the Peace in the mode prescribed by *The Magistrates Summary Procedure Act*, or before the Supreme Court, at the option of the Chief Inspector of Distilleries; and any such information, suit, or action shall and may be filed or instituted in the name of Her Majesty's Attorney-General for *Tasmania*, or of the Chief or any other Inspector of Distilleries. Informations may be heard and determined in a summary way.
- 98** All informations, actions, or suits for the recovery of any of the penalties or forfeitures imposed by this Act shall be commenced and prosecuted at any time within One year after the offence committed by reason whereof such penalty or forfeiture is incurred. Penalties to be sued for within One year after the offence.
- 99** 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 forms in the Schedule (4), (5), (6), or in words to the like effect. Form of Information, &c.
- 100** Every information for any penalty or forfeiture under this or any other Act now or hereafter in force relating to the distillation of spirits, and any conviction or warrant of commitment for any penalty, shall be deemed valid and sufficient in which the offence for which such penalty is inflicted, or the cause or forfeiture, is set forth in the words of this or any other such Act as aforesaid, or in words to the like effect; and no such information shall be quashed for want of form, or for any errors or omissions not affecting the substantial merits or justice of the case. Offence to be set forth in the words of the Act.
- 101** 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 shall be sufficient proof of the appointment of such Inspector of Distilleries, and the averment that the Chief Inspector has elected to sue in either of the modes prescribed shall be *prima facie* evidence of the fact. Proof of the Officer's appointment unnecessary.
- 102** No writ shall be sued out, nor a copy of any process served upon any Inspector of Distilleries, or other person acting under the authority of this Act, or of any Act which may hereafter be in force for the regulation of Distilleries, for anything done in the exercise of his office until One month after notice in writing is 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 Officer to have notice of action.

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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 is contained in such notice; and no verdict shall be given for the plaintiff unless he proves on the trial that such notice was given, and in default of such proof the defendant shall obtain in such action a verdict and costs.

Actions to be brought within Three months, &c.

103 Every such action shall be brought within Three months after the cause thereof, and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff becomes nonsuited or discontinues the action, or if upon a verdict of demurrer judgment is given against the plaintiff, the defendant shall receive double 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.

104 In case any information or suit is brought to trial on account of any seizure made under this Act, and a verdict is found for the claimant thereof, and the Judge or Court before whom the cause is tried certifies upon the record that there was reasonable and 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 or other suit or prosecution on account of such seizure; and if any action or other suit or prosecution is brought to trial against any person on account of such seizure wherein a verdict is given against such defendant, the plaintiff, besides the things seized or the value thereof, shall not be entitled to more than One Shilling damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined more than One Shilling.

Officer may tender amends.

105 It shall be lawful for any Inspector of Distilleries or other person as aforesaid, within One 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 find the amends sufficient they shall give a verdict for the defendant; and in such case, or in case the plaintiff becomes nonsuited or discontinues his action, or judgment is 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, that it shall be lawful for such defendant, by leave of the Court where such action is brought at any time before issue joined, to pay money into Court as in other cases.

Property seized to be claimed within Ten days.

Claims to be lodged with Colonial Treasurer.

106 All spirits and other property seized under the provisions of this Act shall be considered as forfeited and condemned unless claimed within Ten days after the same is so seized, and shall be sold by Public Auction; and all such claims for spirits or other property so seized as forfeited shall be lodged within the time hereinbefore mentioned with the Colonial Treasurer.

Admission of claims to property seized.

107 No claim to any spirits or other property seized under this Act and returned into any Court for adjudication shall be admitted, and 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, or under any Act which may hereafter be in force for regulating distillation, unless such claim or appearance is entered in the name of the owner of such spirits or other

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property so seized, describing the place of residence and the business or profession of such owner, and oath is made before a Commissioner, one of the Judges of the Court in which such information is filed, or before one of the Justices of the Court of Petty Sessions before whom any cause of forfeiture is tried for spirits or other property seized as forfeited under this or such other Acts as aforesaid, that the spirits or other property so seized was or were really and truly the property of him at the time of such seizure, then and in such case such oath shall be made in a like manner by the Agent, Attorney, or Solicitor by whom such appearance is entered, that he has full power and legal authority and directions from such owner to enter such appearance, and to the best of his knowledge and belief such spirits and 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 proceeding of the Court, in the same manner as if no appearance had been entered thereto; and every person who is 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 wilful and corrupt perjury.

108 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 enters such claim or appearance, if such claimant resides within this Colony, shall be bound by a recognizance (to be entered into before One of the Judges of the Supreme Court or One of the 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 does not reside within this Colony, then and in such case the Agent, Attorney, or Solicitor by whose directions such claim or appearance is entered shall in like manner be bound, with Two sufficient sureties in like penalty, to pay the costs occasioned by such claim or appearance.

Claimant to enter into a recognizance.

109 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 the Colonial Treasurer, and shall be divided and applied as follows; that is to say, after deducting the charges of prosecution from the proceeds thereof, Two-third parts of the net produce thereof shall be paid to the account of the General Revenue, and the residue thereof shall 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 seems meet.

Payment and distribution of penalties, &c.

110 If, in or upon any information, suit, or action brought before the 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 is convicted and sentenced to pay such fine or penalty, and in case any such fine or penalty is not immediately paid, or security given to the satisfaction of the Court or Justices before whom the case is heard and determined for the due payment of such fine or penalty, the party who is convicted and sentenced to pay such fine or penalty shall forthwith be committed to Gaol, there to remain for a

Imprisonment of convicted parties.

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period of not less than Three months nor exceeding Twelve months, with or without hard labour, unless such fine or penalty is sooner paid; and such imprisonment shall in no case operate as a discharge of any such fine, forfeiture, or penalty.

Appeal.

111 Any person who thinks himself aggrieved by any fine or penalty imposed by any Justice or Justices under the authority of this Act, above the sum of Ten Pounds, may appeal against the conviction in the mode prescribed by *The Appeals Regulation Act*; and no conviction shall be quashed for want of form, or for any errors or omissions not affecting the substantial merits or justice of the case.

No Writ of *Certiorari* to issue.

112 No Writ of *Certiorari* shall issue from the 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 is convicted before any Justice or Justices of the Peace under this or any other such Act, unless the party against whom such proceedings are directed, or who is so convicted, or his Attorney or Agent, states 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 is stated in such affidavit; and 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.

Interpretation of words.

113 The following words and expressions employed in this Act shall have the meaning hereby assigned them unless there is something in the subject or context repugnant to such construction:—

The word “Worts” shall be construed to mean all materials intended to be used in the process of distillation after the same are mashed and before fermentation has commenced therein:

The word “Wash” shall mean all such material so mashed after fermentation has commenced and before the same has been distilled:

The expression “Low Wines” shall mean all spirits drawn and produced by one distillation of wash:

The word “Feints” shall mean spirits produced by the re-distillation of low wines:

The word “Spirits” shall mean and include alcohol, brandy, rum, gin, whiskey, low wines, feints, and every other description of Spirituous Liquor:

The expression “Spent Wash” shall mean the liquor which may remain in the wash-still after the low wines have been extracted by distillation:

The word “Proof” shall mean the ordinary and conventional degree of strength indicated as such by the instrument called “*Sykes's Hydrometer* :”

The word “Distiller” shall mean and include any person making or keeping any wash fit for distillation, or making low wines, feints, or spirits, and any person having in his possession or use any still or stills:

The Distillation Act, 1869.

The expression "Illicit Spirits" shall mean any spirits produced and made contrary to the provisions of this Act, or on which the full Duties have not been paid :

The word "Premises" shall mean all the space included within wall or fence referred to in the Fifteenth Section of this Act :

The word "Officer" shall mean any Inspector or other person appointed by the Governor under the provisions of this Act :

The expression "Colonial Produce" shall mean all fruit, grain, roots, and other vegetable productions grown in the Colony of *Tasmania* and not elsewhere.

114 This Act, and *The Distillation Prohibition Act*, and "*The Distillation Prohibition Act, No. 2*," and "*The Distillation Prohibition Act, No. 3*," save so far as the said Acts or either of them are altered or varied by this Act, shall be read together as one of the same Act. Acts to be read together.

115 It shall be lawful for the Governor in Council to make all such rules and regulations as may be deemed necessary from time to time for carrying the provisions of this Act into effect: Provided, that the same shall not be repugnant to the provisions of this Act, and all such rules and regulations shall be published in the *Gazette*. Governor to make regulations.

116 This Act shall be cited in all proceedings as "*The Distillation Act, 1869*," and shall come into operation on the First day of *January*, 1870. Short title and commencement of Act.

117 The rectification and compounding of Spirits may be allowed on the premises of any Distiller under such Regulations as may be from time to time made by the Governor in Council; and such Regulations shall be published in the *Gazette*, and shall thereupon have the force of Law; and any such Regulations may from time to time be in like manner altered or rescinded. Rectification and compounding of Spirits.

SCHEDULE.

(1.)

LICENCE TO DISTIL SPIRITS.

Sect. 5.

No.

Colonial Treasury.

I

do issue this Licence 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 Distillation Act, 1869*."

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

(Signed)

Colonial Treasurer.

The Distillation Act, 1869.

(2.)

Sect. 7.

CERTIFICATE OF CHIEF INSPECTOR.

I hereby certify that I have inspected the Premises described in the Memorial hereto appended; that such Premises comply with the requirements of "The Distillation Act, 1869;" and that the description thereof in the memorial before mentioned, and the accompanying plan, is correct.

Chief Inspector of Distilleries.

(3.)

Sects. 21 and 23.

FORM OF REGISTRATION OF SPIRIT STORE, OR OF MATERIAL STORE.*Tasmania,*
Distillery.

Licensed

day of

18 .

I Chief Inspector of Distilleries [or other Officer appointed by 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
Witness

day of

18

Chief Inspector of Distilleries.

(4.)

Sect. 99.

FORM OF INFORMATION BEFORE JUSTICES OF THE PEACE.TASMANIA }
TO WIT. }

BE it remembered that on the day of 18 ,
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 18 ,
[here state the offence] contrary to "The Distillation Act, 1869," whereby the said C.D. has forfeited the sum of

(5.)

Sect. 99.

FORM OF CONVICTION TO BE USED FOR AN OFFENCE AGAINST THIS ACT.TASMANIA }
TO WIT. }

BE it remembered that on the day of 18
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 18 , [here state the offence as in the Information] contrary to "The Distillation Act, 1869," 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. has forfeited for his said offence the sum of

Given under our hands this

day of

18

The Distillation Act, 1869.

(6.)

FORM OF WARRANT OF COMMITMENT TO GAOL FOR A PENALTY. Sect. 99.

TASMANIA } To *A. B.*, Constable, and to *E. F.*, the Gaoler or Keeper of the
 TO WIT. } Gaol at in the said Colony.

WHEREAS *C. D.* has been duly convicted before us,
 Esquires, two of Her Majesty's Justices of the Peace for the said Colony [*here state
 the offence as in the Information*]:

And whereas we the said Justices did adjudge that the said *C. D.* had 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 Gaol at in this Colony, and
 to deliver him into the custody of the Gaoler or Keeper of the said Gaol; and we
 the said Justices do hereby authorise and require the said *E. F.*, the Gaoler or Keeper
 of the said Gaol, 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 at in the said Colony this
 day of 18 .

