ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

CAP. CXXVIII.

An Act for better ſecuring the Duties on Malt.

[18th *July* 1812.]

WHEREAS it has been found that the exiſting Regulations are inſufficient to protect the Revenue ariſing from Malt, and that various Frauds are practiſed in reſpect thereof: Be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Maltſter or Maker of Malt ſhall erect, make and conſtruct every Ciſtern by him, her, or them intended to be uſed for the wetting or ſteeping of Corn or Grain to be made into Malt, in ſuch Manner and Form that any Officer or Officers of Exciſe may eaſily, ſafely, and ſecurely have Acceſs to the ſame, and conveniently gauge, in any Part of Two Sides of ſuch Ciſtern, the Corn or Grain which ſhall at any Time be contained therein; and if any ſuch Maltſter or Maker of Malt ſhall, for the wetting or ſteeping any Corn or Grain to be made into Malt, have or uſe any Ciſtern of greater Length or Breadth than the Length or Breadth of Nine Feet, ſuch Maltſter or Maker of Malt ſhall find and provide a good and ſufficient Ladder of a proper and convenient Length and Breadth, with a good and ſufficient moveable Board or Plank of a proper and convenient Length, Breadth, and Thickneſs, to be laid acroſs ſuch Ciſtern, in any Part thereof, ſo as to enable any Officer of Exciſe eaſily, ſafely, and ſecurely to move along and ſtand upon ſuch Board or Plank, and to gauge in any Part of ſuch Ciſtern the Corn or Grain which ſhall at any Time be contained therein; and ſuch Maltſter or Maker of Malt ſhall from Time to Time, and at all Times, permit and ſuffer any Officer or Officers of Exciſe to uſe ſuch Ladder and Board or Plank reſpectively at his or their free Will and Pleaſure, for the Purpoſe in that Behalf aforeſaid; and if any Maltſter or Maker of Malt ſhall neglect or refuſe to erect, make, or conſtruct any Ciſtern for the Wetting or Steeping of Corn or Grain to be made into Malt, in ſuch Manner and Form as is herein-before directed and required, or if any Maltſter or Maker of Malt, who ſhall for the Wetting or Steeping of any Corn or Grain to be made into Malt, have or uſe any Ciſtern of greater Length or Breadth than the Length and Breadth in that Behalf aforeſaid, ſhall neglect or refuſe to find or provide ſuch Ladder and Board or Plank as aforeſaid, or either of them, or ſhall not permit or ſuffer any Officer or Officers of Exciſe to uſe the ſame or either of them, in Manner aforeſaid, then and in every ſuch Caſe the Maltſter or Maker of Malt ſo offending ſhall for each and every ſuch Offence forfeit and loſe the Sum of Two hundred Pounds.

Maltſters ſo to conſtruct their Ciſterns, that Officers may have free Acceſs to Two Sides, and if of certain Dimenſions, to provide a Ladder and Plank, to enable Officers to gauge every Part of them.

Penalty.

Maltſters not to have more than Five Floors of Malt ariſing from the ſame Ciſtern, in their Malt Houſes at the ſame Time.

II. And be it further enacted, That no Maltſter or Maker of Malt ſhall at one and the ſame Time have or keep in any Malt Houſe to him, her, or them belonging, more than Five Floors or Quantities of Malt, or Corn or Grain making into Malt (in the Couch or on the Floor or Kiln, or all or any of them) wetted in or ariſing from, or pretended to have been wetted in or to have ariſen from, or denoted by its Place of Depoſit in ſuch Malt Houſe to have been wetted in or to have ariſen from one and the ſame Ciſtern, Uting Vat or other Veſſel or Utenſil; and if any Maltſter or Maker of Malt ſhall at one and the ſame Time have in any Malt Houſe to him, her or them belonging (in the Couch, or on the Floor or Kiln, or all or any of them) more than Five Floors or Quantities of Malt, or Corn or Grain making into Malt, wetted in or ariſing from, or pretended to have been wetted in or to have ariſen from, or denoted by its Place of Depoſit in ſuch Malt Houſe to have been wetted in or to have ariſen from one and the ſame Ciſtern, Uting Vat, or other Veſſel or Utenſil, the Maltſter or Maker of Malt ſo offending ſhall for each and every ſuch Offence forfeit and loſe the Sum of Two hundred Pounds: Provided always nevertheleſs, that nothing herein-before contained ſhall extend or be deemed or conſtrued to extend to ſubject any Maltſter or Maker of Malt to the ſaid laſt-mentioned Penalty, for or by reaſon of his, her, or their ſeparating or dividing any one or more of his, her, or their Floors or Quantities of Malt, either into Two or more Pieces, for the Purpoſe of working ſuch Pieces ſeparate and apart from each other, in the ſame Malthouſe in which ſuch Floors or Quantities of Malt reſpectively were ſteeped; nor for or by reaſon of any ſuch Maltſter or Maker of Malt ſeparating or dividing the oldeſt of his, her, or their Floors ſolely for the Purpoſe of the Removal thereof to the Kiln for the immediate drying thereof; any Thing herein-before contained to the contrary in anywiſe notwithſtanding.

Maltſters to lay their Floors of Corn in Succeſſion, according to Seniority.

III. And be it further enacted, That every Maltſter and Maker of Malt ſhall put, lay, and depoſit, on the Floor or Floors of his, her, or their Malthouſe, all and every of his, her, or their Floors or Quantities of Corn or Grain making into Malt, in regular Succeſſion One before another according to the Seniority of ſuch Floors or Quantities of Corn or Grain making into Malt; and if any Maltſter or Maker of Malt ſhall put, lay, or depoſit on the Floor or Floors of his, her, or their Malthouſe, any or either of his, her, or their Floors or Quantities of Corn or Grain making into Malt, otherwiſe than in regular Succeſſion One before the other, according to the Seniority of ſuch Floors or Quantities of Corn or Grain, or ſhall put, lay, or depoſit any Floor or Quantity of Corn or Grain making into Malt, of a leſs Age or later Time of taking from or out of the Ciſtern, Uting Vat, or other Veſſel or Utenſil, before, that is to ſay, more remote from ſuch Ciſtern, Uting Vat, or other Veſſel or Utenſil than any Floor or Quantity of Corn or Grain making into Malt of a greater Age or earlier Time of taking from or out of the Ciſtern, Uting Vat, or other Veſſel or Utenſil, then and in every ſuch Caſe the Maltſter or Maker of Malt ſo offending, ſhall for each and every ſuch Offence forfeit and loſe the Sum of One hundred Pounds.

Maltſters not to empty their Ciſterns more than once in 96 Hours.

IV. And be it further enacted, That no Maltſter or Maker of Malt ſhall empty or take any Corn or Grain from or out of any Ciſtern, Uting Vat, or other Veſſel or Utenſil by him, her, or them uſed for the wetting or ſteeping of Corn or Grain to be made into Malt, within the Space of Ninety-ſix Hours, to be computed and reckoned from the Time of the laſt preceding emptying or taking of Corn or Grain from or out of the ſaid Ciſtern, Uting Vat, or other Veſſel or Utenſil; nor ſhall any Maltſter or Maker of Malt, within the Space of Ninety-ſix Hours to be computed

and

and reckoned from the Time of the laſt preceding emptying or taking of Corn or Grain from or out of any Ciſtern, Uting Vat, or other Veſſel or Utenſil uſed as aforeſaid, empty or take any Corn or Grain from or out of any other Ciſtern, Uting Vat, or other Veſſel or Utenſil uſed as aforeſaid, in the ſame Houſe or Building, or under One and the ſame Roof, with ſuch Ciſtern, Uting Vat, or other Veſſel or Utenſil; and if any Maltſter or Maker of Malt ſhall empty or take any Corn or Grain from or out of any Ciſtern, Uting Vat, or other Veſſel or Utenſil by him, her, or them uſed for the wetting or ſteeping of Corn or Grain to be made into Malt, within the Space of Ninety-ſix Hours, to be computed and reckoned from the Time of the laſt preceding emptying or taking Corn or Grain from or out of the ſaid Ciſtern, Uting Vat, or other Veſſel or Utenſil, or ſhall within the Space of Ninety-ſix Hours, to be computed and reckoned from the Time of the laſt preceding emptying or taking of Corn or Grain from or out of any Ciſtern, Uting Vat, or other Veſſel or Utenſil uſed as aforeſaid, empty or take any Corn or Grain from or out of any other Ciſtern, Uting Vat, or other Veſſel or Utenſil uſed as aforeſaid, in the ſame Houſe or Building, or under One and the ſame Roof with ſuch Ciſtern, Uting Vat, or other Veſſel or Utenſil, then and in every ſuch caſe the Maltſter or Maker of Malt ſo offending, ſhall for each and every ſuch Offence forfeit and loſe the Sum of Two hundred Pounds.

Maltſters to empty at the ſame Time all their Ciſterns.

V. And be it further enacted, That if any Maltſter or Maker of Malt ſhall, for the Wetting or Steeping of Corn or Grain to be made into Malt, uſe or employ Two or more Ciſterns, Uting Vats, or other Veſſels or Utenſils, in One and the ſame Houſe or Building, or under One and the ſame Roof, then and in every ſuch Caſe no ſuch Maltſter or Maker of Malt ſhall empty or take Corn or Grain from or out of ſuch Ciſterns, Uting Vats, or other Veſſels or Utenſils, on different Days, or at different Times from each other, but ſhall empty and take all ſuch Corn or Grain from and out of all ſuch Ciſterns, Uting Vats, and other Veſſels or Utenſils on the ſame Days and at the ſame Hours of the ſame Days reſpectively: And if any ſuch Maltſter or Maker of Malt ſhall empty or take any Corn or Grain from or out of any ſuch Ciſterns, Uting Vats, or other Veſſels or Utenſils, at different Times or on different Days, or at different Hours of the ſame Day, then and in every ſuch Caſe the Maltſter or Maker of Malt ſo offending, ſhall for each and every ſuch Offence forfeit and loſe the Sum of Two hundred Pounds: Provided always nevertheleſs, that nothing herein-before contained ſhall extend or be deemed or conſtrued to extend, to ſubject any Maltſter or Maker of Malt to the ſaid laſt-mentioned Penalty, for or by reaſon of his, her, or their emptying or taking Corn or Grain from or out of any Two or more Ciſterns, Uting Vats, or other Veſſels or Utenſils, at different Times of the ſame Day, if the emptying or taking of the Corn or Grain from or out of the laſt of ſuch Two or more Ciſterns ſhall have been finiſhed within Three Hours from the Time of beginning the emptying and taking of Corn or Grain from and out of the Ciſtern, Uting Vat, or other Veſſel or Utenſil which ſhall have been firſt begun to be emptied; any Thing herein-before contained to the contrary notwithſtanding.

Maltſters not to keep their Corn more than Fifty-five Hours in Steep.

VI. And be it further enacted, That no Maltſter or Maker of Malt, having wetted or begun to wet any Corn or Grain to be made into Malt, ſhall continue the ſame or any Part thereof in Steep or covered with Water for any longer Space of Time than Fifty-five Hours from the Time of its being firſt begun to be wetted; and if any Maltſter or Maker of Malt, having wetted or begun to wet any Corn or Grain to be made into Malt, ſhall continue the ſame or any Part thereof in Steep or covered with Water, for any longer Space of Time than Fifty-five Hours from the Time of its

Penalty.

being first begun to be wetted; then and in every such Case the Maltster or Maker of Malt, so offending, shall for each and every such Offence forfeit and lose the Sum of Two hundred Pounds.

Maltsters not to mix Corn of different Wettings, either on the Floor or Kiln.

VII. And be it further enacted, That no Maltster or Maker of Malt shall mix, either in the Couch or on the Floor, or on the Kiln, any Corn or Grain of one Wetting or Steeping with or amongst any Corn or Grain of another or different Wetting or Steeping; and if any Maltster or Maker of Malt shall mix, either in the Couch or on the Floor, or on the Kiln, any Corn or Grain of one Wetting or Steeping with or amongst any Corn or Grain of another or different Wetting or Steeping, then and in every such Case the Maltster or Maker of Malt so offending shall for each and every such Offence forfeit and lose the Sum of Two hundred Pounds.

Penalty.

Penalty on obstructing Officers.

VIII. And be it further enacted, That if any Person or Persons shall assault, oppose, molest, obstruct or hinder any Officer or Officers of Excise in the due Execution of this Act, or of any of the Powers or Authorities to him or them by this Act given or granted, the Person or Persons so offending shall for each and every such Offence forfeit and lose the Sum of Two hundred Pounds.

How Penalties are to be recovered.

IX. And be it further enacted, That all Fines, Penalties and Forfeitures imposed by this Act, shall be sued for, recovered, levied or mitigated, by such Ways, Means or Methods, as any Fine, Penalty or Forfeiture may be sued for, recovered, levied or mitigated, by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at *Westminster*, or in the Court of Exchequer in *Scotland* respectively; and that One Moiety of such Fine, Penalty or Forfeiture, shall be to His Majesty, His Heirs and Successors, and the other Moiety to him, her, or them, who shall inform, discover, or sue for the same.

Clause of Reference to 12 C. 2. extending the Powers of that and other Excise Acts to this Act.

X. And be it further enacted, That all and every the Rules, Regulations, Fines, Penalties, Forfeitures, Clauses, Matters and Things, which in and by an Act made in the Twelfth Year of the Reign of King *Charles* the Second, intituled *An Act for taking away the Court of Wards and Liveries, and Tenures* in capite, *and by Knights Service and Purveyance, and for settling a Revenue upon His Majesty in lieu thereof*, or by any other Law or Laws now in force relating to His Majesty's Revenue of Excise, are provided, settled or established for managing, raising, levying, collecting, mitigating, recovering, adjudging, ascertaining or securing the Duties on Malt, or any of them; or for preventing, detecting or punishing Frauds relating thereto; shall be practised, used, and put in Execution in and for the Purposes of this Act, as fully and effectually to all Intents and Purposes, as if all and every the said Rules, Regulations, Fines, Penalties, Forfeitures, Clauses, Matters and Things were more particularly repeated and re-enacted in this present Act.

Commencement of this Act.

XI. And be it further enacted, That this Act shall commence and take Effect, as to all such Matters and Things therein contained, in respect of which no especial Commencement is hereby directed or provided, from and immediately after the Tenth Day of *October* One thousand eight hundred and twelve.

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