ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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C A P. LV.

An Act to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in *Ireland*. [20th *October* 1831.]

WHEREAS the Laws now in force for suppressing the unlawful making of Malt and illicit distilling of Spirits in *Ireland* are become numerous, and the Provisions thereof complicated, and it is therefore expedient to repeal the said Laws, and to make other Provisions in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it 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 no Person shall keep or use any Kiln for the drying of any Corn or Grain, or any Mill for the grinding of any Corn, Grain, or Malt, until he shall have made Entry of such Kiln or Mill by signing and delivering an Account in Writing to the Officer of Excise within whose Survey such Kiln or Mill shall be situate, of his Name and Place of Abode, and the Place where such Kiln or Mill is situated, and shall have painted in Oil Colour in Black upon a White Ground, or in White on a Black Ground, and put up on the Outside of the Door or Place of Entrance of such Kiln or Mill, or on a Board to be erected and affixed on some conspicuous Part of the Outside thereof, in legible Letters of Two Inches at least in Length, his Christian and Surname; and the Officer of Excise shall register such Entry, and

Persons keeping Kilns for drying or Mills for grinding Corn or Grain to make Entry thereof.

shall

shall grant a Certificate of such Entry and Registry, by giving a Copy thereof, signed by him, to the Person making the Entry; and every Person who shall keep or use any Kiln for the drying of any Corn or Grain, or any Mill for the grinding of any Corn, Grain, or Malt, without having made such Entries and complied with such Particulars as aforesaid, shall forfeit Thirty Pounds, subject to the Mitigation hereafter mentioned; and all Corn or Grain or Malt found on or in any such Kiln or Mill whereof Entry shall not have been made as herein-before directed shall be forfeited, and may be seized by any Officer of Excise.

Penalty 30*l.*

Where the Owner of an unentered Kiln cannot be found, the Occupier of the Soil may be required to make Entry of it, or destroy it; and in default he shall be liable to the Penalty for keeping a Kiln without Entry;

II. And whereas Kilns whereof no Entry hath been made or Notice given are frequently used to dry Malt which has been illegally made, and it is difficult to discover the Keepers of or Persons holding or occupying such Kilns, so as to require Entry to be made of the same; for Remedy whereof be it further enacted, That where any Kiln shall be discovered whereof Entry shall not have been made in manner required by this Act, and no actual Owner or Keeper of such Kiln, or any Person claiming Right or Title to the same, shall be discovered, it shall be lawful for any Officer of Excise, if such Kiln shall be erected or placed on any Land in Occupation, by any Notice in Writing to require the Occupier of the Land on which such Kiln shall be to make or cause to be made Entry of such Kiln in manner required by this Act, or to remove and destroy the same; and the Delivery of such Notice to such Occupier, or leaving the same at his or her Dwelling House, or with the Wife, Servant, or Child of such Occupier, shall be deemed and taken to be sufficient Service of such Notice; and if the Occupier of such Land shall not, within Fourteen Days after the Service or Delivery of such Notice, make or cause to be made Entry of such Kiln in manner required by this Act, or destroy or remove the same, such Occupier shall be liable to the Penalty by this Act imposed for keeping a Kiln without having entered the same; and if any such Kiln shall be on any Common Land, or on any Ground not in Occupation, or the Occupier thereof shall not be known, the Officer of Excise shall cause Notice in Writing to be affixed on some conspicuous Part of such Kiln, requiring the Owner of such Kiln within Fourteen Days to make Entry thereof; and if within Fourteen Days after affixing such Notice no Person shall make Entry of such Kiln, it shall be lawful for any Officer of Excise, and any Persons acting in his Aid, to destroy such Kiln, and to remove and dispose of the Materials thereof: Provided always, that any Person who shall be proved to have used any unentered Kiln, the real Owner or Keeper whereof shall not be known, shall be deemed to be the Owner or Keeper thereof, and shall be liable to the Penalty by this Act imposed for keeping a Kiln without having entered the same.

if erected on Common Land or Ground not in Occupation, a Notice to be affixed thereon, and if not entered within 14 Days after such Notice, it may be destroyed.

Malt not to be dried on Kilns kept for drying Corn or Grain.

III. And be it further enacted, That it shall not be lawful for any Person to dry any Malt, or any Corn or Grain making into Malt, on any Kiln erected and kept for drying Corn or Grain, or on any Kiln other than an entered Kiln in a Malthouse duly entered as required by Law for making Malt therein; and if any Malt, or any Corn or Grain making into Malt, shall be found on any Kiln erected and kept

for drying Corn or Grain, whether such Kiln shall be entered and registered as herein-before required or not, or on any Kiln other than as aforesaid, all such Malt, or Corn or Grain making into Malt, shall be forfeited, and may be seized by any Officer of Excise; and the Owner or Person keeping such Kiln whereon such Malt, or Corn or Grain making into Malt, shall be found, shall for every such Offence forfeit Thirty Pounds, subject to the Mitigation hereafter mentioned, unless such Owner or Person shall declare and make known the Owner of such Malt, and give Evidence of Ownership against such Owner.

Penalty on placing Malt on a Kiln.

IV. And be it further enacted, That every Person who shall place any Malt, or any Corn or Grain making into Malt, on any Kiln kept for drying Corn or Grain, or on any Kiln not duly entered for making Malt, shall for every such Offence forfeit Thirty Pounds, subject to the Mitigation hereafter mentioned.

Penalty on receiving illegally-made Malt into a Mill.

V. And be it further enacted, That every Person keeping a Mill, who shall receive or permit or suffer to be received into or deposited in such Mill any Malt illegally made, or the Duties whereon shall not have been fully paid or secured, or in whose Mill, or in any Room or Part thereof, any such Malt shall be found, shall, unless such Person shall declare and make known the Person by whom such Malt was delivered into such Mill, forfeit Thirty Pounds, subject to the Mitigation hereafter mentioned.

Power of Officers to enter and search Mills for Malt illegally made.

VI. And be it further enacted, That it shall be lawful for any Officer specially employed in the Suppression of illicit Distillation and malting, at any Time in the Day to enter into any Mill, and into every Store and Room therein, and to make search in and throughout the same for all Malt illegally made, or the Duties whereon shall not have been paid or secured, which such Officer shall suspect to have been received into or to be deposited or concealed in such Mill, Stores, or Rooms, and all such Malt to seize, secure, and remove; and in case such Officer shall not, within a reasonable Time after Demand made at the House or Place of Abode of the Person keeping any Mill, obtain Admittance into such Mill, it shall be lawful for such Officer, in the Presence of a Constable or other Peace Officer, who is hereby respectively authorized and required to be aiding therein, to break open and enter such Mill and every Room and Store therein, and to make search therein, and to seize, secure, and remove any Malt found in such Mill or any Part thereof which shall have been illegally made, or the Duties whereon shall not have been paid or secured.

Penalty on receiving or concealing Malt illegally made.

VII. And be it further enacted, That every Person who shall receive, keep, or conceal, or knowingly have in his Possession, or in any Dwelling House or Outbuilding or Premises, or in any Place occupied by him, any Malt illegally made, or the Duties whereon shall not have been fully paid or secured, shall for every such Offence, whether any such Malt shall or shall not be the Property of such Person, forfeit One hundred Pounds, subject to the Mitigation hereafter

after mentioned; and all such Malt shall be forfeited, and may be seized by any Officer of Excise.

Penalty on wetting Grain or making Malt illegally.

VIII. And be it further enacted, That every Person, not being a Maltster and Maker of Malt duly licensed, and keeping a Malt-house entered for making Malt according to Law, who shall wet or steep any Corn or Grain to be made into Malt, or shall have in his Custody or Possession, or knowingly in any Dwelling House or Out-building or Place occupied by him, any Corn or Grain wetted or steeped or making into Malt, shall, whether the Corn or Grain so wetted and steeped shall or shall not be the Property of such Person, forfeit One hundred Pounds; and all such Corn and Grain making into Malt shall be forfeited, and may be seized by any Officer of Excise.

No Chemist, or other Person to make or use Stills without Licence.

IX. And for the better enabling the Officers of Excise to detect the fraudulent Use of Stills for the Use of private and illicit Distillers; be it further enacted, That every Person who shall make or use any Still or Stills in carrying on the Business of a Chemist, or any other Trade or Business requiring the Use of a Still, other than that of a Distiller, Rectifier, or Compounder of Spirits, or Vinegar Maker, shall first take out a Licence for making or using every such Still, in manner required by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to repeal several Duties payable on Excise Licences in* Great Britain *and* Ireland, *and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences.*

6 G. 4. c. 81.

Licence to Chemists, &c. to specify certain Particulars.

X. And be it further enacted, That every Licence granted to any Person who shall carry on the Business of a Chemist, or any other Business requiring the Use of a Still or Stills, (other than that of a Distiller, Rectifier, or Compounder of Spirits, or Vinegar Maker,) shall specify the Name or Names and Business of the Person or Persons thereby licensed, and the Place where such Business is intended to be carried on, and the Number of Stills so licensed, if more than One, and the Capacity or Content of every such Still respectively; and no Chemist or other Person other than as aforesaid shall use or have in his Possession any Still or Stills of any greater Capacity or Content than Fifty Gallons, upon pain of forfeiting Fifty Pounds, subject to the Mitigation hereafter mentioned, for every such Still: Provided always, that it shall be lawful for the Commissioners of Excise, if they shall see fit, on Application made to them, to authorize and empower any such Chemist or other Person or Persons to keep and use any Still of a greater Capacity than Fifty Gallons; and that nothing herein contained shall extend to prevent the Use of any Still of any greater Capacity than Fifty Gallons, erected and in use at the Time of the passing of this Act.

Limiting the Capacity of Stills, unless specially authorized.

Regulations as to Still Makers.

XI. And be it further enacted, That every Person who shall make any Still shall permit any Officer of Excise, at any Hours in the Day-time, to enter any Place made use of by such Person for making or keeping Stills, and to examine the same; and every such Maker

Maker of Stills shall stamp his Name, and the Content or Capacity of every Still made by him, upon the Shoulder of every such Still; and every Maker of Stills shall, within Three Days after finishing any Still of less Content than Two hundred Gallons, give Notice to the proper Supervisor or Officer of the District or Division where such Still hath been so made, that the same is ready to be gauged and stamped; and such Supervisor or Officer shall, within Three Days after such Notification, gauge such Still, and stamp the same, and grant a Certificate specifying the Content and Maker's Name of such Still; and every Maker of a Still who shall in any respect offend in or neglect any of the Particulars aforesaid shall for every such Offence forfeit Sixty Pounds, subject to the Mitigation hereafter mentioned.

Persons importing Stills of less Content than 200 Gallons into Ireland, to give Notice to the Officers, on Penalty of 60*l.*

XII. And be it further enacted, That every Person who shall import any Still into *Ireland* of less Content than Two hundred Gallons shall, within Three Days after the Arrival of such Still, give Notice of the same, and of the Place where the same is deposited, to the proper Supervisor or Officer of the District or Division; and such Supervisor or Officer shall, within Three Days after the Receipt of such Notice, gauge and cause to be stamped such Still in the same Manner as herein-before directed; and every Person who shall so import any such Still into *Ireland*, and shall omit to give such Notice thereof as aforesaid, shall forfeit Sixty Pounds, subject to the Mitigation hereafter mentioned, for every Still so imported.

Stills found not gauged and marked, to be forfeited, and a Penalty of 60*l.* levied on the Owner.

XIII. And be it further enacted, That every Still of less than Two hundred Gallons Content which shall be found in the Possession of any Person or Persons in *Ireland*, without having been previously gauged by the proper Officer of Excise, and marked in the Manner herein-before mentioned, shall be forfeited, and may be seized by any Officer of Excise; and the Owner or Person in whose Possession the same shall be found shall also forfeit Sixty Pounds, subject to the Mitigation hereafter mentioned, over and besides all other Penalties and Forfeitures imposed for the unlawful using the same.

No Still shall be conveyed without Permit.

XIV. And be it further enacted, That no Brazier or Manufacturer of Metal, or other Person, shall send or convey any Still, Still Head, or Worm to any Person, or from any one Part of *Ireland* to any other Part thereof, unless a Permit granted by an Officer of Excise for the Removal of such Still, Still Head, or Worm shall have been obtained by such Brazier, Manufacturer, or other Person, and such Permit shall contain in the Body thereof the Name of the Brazier or Manufacturer thereof, or other Person sending the same, and of the Person or Persons to whom and the Place to which such Still, Still Head, or Worm is intended to be sent, and also the Content in Gallons of such Still and of the Head thereof respectively; and every such Still, Still Head, or Worm which shall be found conveying or conveyed, and for the Conveyance of which such Permit shall not be produced, shall be forfeited, and may be seized by any Officer of Excise; and the Brazier, Manufacturer, or other Person sending or conveying the same shall forfeit One hundred Pounds, subject to the Mitigation hereafter mentioned.

Penalty 100*l.*

Permit shall be delivered up to Officer, and Certificate thereof given by him.

XV. And be it further enacted, That the Person to whom any such Still shall be conveyed shall, within Forty-eight Hours after the Arrival of such Still, deliver up the Permit under which such Still shall have been conveyed to the proper Officer of the Division or Ride in which such Person shall reside; and such Officer shall thereupon grant a Certificate to such Person in lieu of such Permit; and if any such Still shall be found in the Possession of any Person, after the Expiration of Forty-eight Hours from the Arrival thereof, without such Certificate, such Still shall be forfeited, and may be seized by any Officer of Excise.

Persons other than licensed Distillers, Brewers, or Vinegar Makers, having Worts, Wash, or Low Wines, or Stills in their Possession, to forfeit 100*l.*

XVI. And be it further enacted, That every Person, other than a licensed Distiller, Brewer, or Maker of Vinegar, who shall brew or make, or shall have in his Possession, any Worts, Wash, or Pot Ale, (except for the Purpose of being made into Beer for the private Use of such Person, the Proof whereof shall lie on such Person,) and every Person other than a licensed Distiller who shall distil or have in his Possession any Low Wines or Singlings, and every Person not being duly licensed to keep or use a Still who shall have or keep any Still, Still Head, or Worm of a Still, and every Person who shall without being lawfully authorized thereto have in his Possession, or in any Dwelling House, or in any Outbuilding, Place, or Premises occupied by him, any Worts, Wash, or Pot Ale, (except as aforesaid,) or any Low Wines or Singlings, or any Still, Still Head, or Worm of a Still, whether such Wort, Wash, or Pot Ale, or Low Wines or Singlings, or Still Head or Worm, shall or shall not be the Property of such Person, shall forfeit One hundred Pounds, subject to the Mitigation hereafter mentioned; and all such Worts, Wash, or Pot Ale, Low Wines and Singlings, Stills, Still Heads, and Worms, shall be forfeited, and may be seized by any Officer of Excise.

If any Officer shall know or suspect where any private Still, &c. is kept, and shall make Oath thereof before a Justice, such Justice may grant a special Warrant to break open such suspected Place, and seize the Still, &c.

XVII. And be it further enacted, That if any Officer of Excise shall know or have Cause to suspect that any private or concealed Still, or any Back, Vat, Cooler, or other Vessel used in illicit Distillation, or any Spirits, Low Wines, or Wort or Wash, or other Materials preparing or prepared for Distillation, are set up or kept in any House or Place, or that any illegally made Malt, or any Corn or Grain making into Malt, is kept or deposited in any House or Place, and shall make Oath thereof before One or more Justice or Justices of the Peace of the County, City, or Place where such Officer shall suspect the same to be set up and kept or deposited, setting forth the Ground of such Suspicion, it shall be lawful for the Justice or Justices before whom such Oath shall be made, if he or they shall judge it reasonable, by special Warrant under his or their Hands and Seals to authorize and empower such Officer, by Day or by Night, to break open the Doors or any Part of such House or Place where he or they shall so know or suspect that such private or concealed Still, Back, Vat, Cooler, or other Vessel, Spirits, Low Wines, Wort, Wash, or Materials for Distillation, or Malt, or Corn or Grain making into Malt, is or are so set up or kept or deposited, and to enter into such House or Place, and to seize all and every such Stills, Backs, Vats, Coolers, and other Vessels, and all such Spirits, Low Wines, Worts, Wash, and other Materials preparing or

prepared for Distillation, and all Malt, or Corn or Grain making into Malt, which shall be there found and discovered, and either to detain and keep the same in the House or Place where found, or to remove the same to the Office of Excise next to the Place where the same shall be so discovered and found; and the Proprietor or Occupier of the House or Place in which any such Seizure shall be made shall forfeit One hundred Pounds, subject to the Mitigation hereafter mentioned; and if any Person shall obstruct, oppose, molest, or hinder any Officer of Excise, or others acting in their Assistance, in the searching for or seizing any such private or concealed Stills, Backs, Vats, Coolers, or other Vessels, or Spirits, Low Wines, Wort, Wash, or other Materials for Distillation, Malt, or Corn or Grain making into Malt, or in detaining or keeping the same in the Place where found, or in removing the same or any of them after Seizure to the next Office of Excise as aforesaid, then and in every such Case every Person so offending shall forfeit One hundred Pounds, subject to the Mitigation hereafter mentioned.

Obstructing Officers in seizing private Stills, &c.

Penalty 100*l.*

XVIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to make it unlawful for any Officer of Excise to search for any private or concealed Still, Back, or other Vessel for the making, preparing, or keeping of Wort, Wash, Low Wines or Spirits, or other Materials preparing or prepared for Distillation, or any Malt the Duties whereon shall not have been paid, or any Corn or Grain illegally making into Malt, without such Warrant as aforesaid, or from seizing every such Still, Back, or other Vessel, and all such Low Wines, Spirits, Wort, Wash, and other Materials preparing or prepared for Distillation, Malt, and Corn or Grain making into Malt, which he or they shall so find, or to proceed in relation thereto in manner aforesaid; and every Person with whom the same shall be found, or who shall obstruct any such Officer, or any Person acting in his Aid, or shall otherwise offend in any of the Particulars aforesaid, shall be subject and liable to the same Penalties and Forfeitures as if such Officer had been acting under such Warrant as aforesaid, any thing herein-before contained to the contrary notwithstanding; and if any Officer of Excise, having entered any House without a Warrant, shall break open any Door or Lock, or forcibly enter any Room or Place, in search of any concealed Still, Back, Vat, Cooler, or other Vessel, or any Spirits, Low Wines, Wort, or Wash, or other Materials preparing or prepared for illicit Distillation, or of any such Malt, or Corn or Grain making into Malt, and shall find any such private or concealed Still, Still Head, or Worm of a Still, or any Back, Vat, Cooler, or other Vessel, or any Spirits or Low Wines, or Wort or Wash or other Materials, or any such Malt, or Corn or Grain making into Malt, such finding shall be a full Justification of such breaking or forcible Entry, and on Proof thereof in any Suit or Action to be brought against any Officer, or any Person acting in his Aid, for the same, a Verdict shall be given for the Defendant.

Officers of Excise may search for and seize private Stills, &c. without a Warrant from the Justices;

and Proprietors shall be subject to the same Penalties as if the Officers had a special Warrant.

XIX. And be it further enacted, That when any Officer of Excise shall discover any private or concealed Still, or any Back or Vessel for making or preparing or keeping any Wort, Wash, Pot Ale, Low Wines,

Persons found in any Place where illegal Distillation or

malting is in Process to be arrested and taken before a Justice.

Wines, or Singlings, or other Materials preparing or prepared for private Distillation, the Process of distilling or of making or preparing Worts, Wash, Pot Ale, Low Wines, or Singlings or Spirits, being then proceeding, or any Corn or Grain making into Malt, and shall at the same Time find any Person in the Room or Place where such private Distillation of Spirits, or making or preparing of Worts, Wash, or Pot Ale, Low Wines or Singlings, or making of Malt, is carrying on, every such Person so discovered, over and above all other Penalties and Forfeitures to which the Proprietor or Person in whose Possession the same shall be found is subject and liable, shall severally forfeit One hundred Pounds each, subject to the Mitigation hereafter mentioned; and it shall be lawful for the Officer of Excise to arrest and detain every Person so discovered, and to convey him before One or more Justice or Justices of the Peace of the County, City, or Place respectively near to the Room or Place where such Person shall be so discovered, to be dealt with in manner herein-after directed.

Officers empowered to spill and destroy all Spirits, Materials, and Utensils found at private Distilleries.

XX. And whereas when the Officers of Excise have discovered private or unlawful Malthouses and Distilleries, it has often been found impossible or difficult to remove the Malt, Spirits, Materials, and Utensils to a Place of Safety; for Remedy thereof be it further enacted, That when any Officer of Excise shall find any unlawful Malthouse or Place for making Malt, or any unlawful Distillery, it shall be lawful for such Officer immediately, upon the Discovery of such private or unlawful Malthouse or Place or Distillery, and the Seizure of any Malt, or Corn or Grain making into Malt, or any Spirits, or Materials, Implements, or Utensils for Distillation, effectually to scatter, spill, break up, and destroy the same; any thing herein-before contained to the contrary in anywise notwithstanding.

Any Justice of Peace, Landlord, or his Bailiff, may destroy Stills, &c.

XXI. And be it further enacted, That it shall be lawful for any Justice of Peace who shall find any Still, Still Head, or Worm of a Still in Possession of any Person, without a sufficient Licence being produced for keeping the same, and for any Landlord or Proprietor of any Land or Premises on which the same shall be found, or his Steward or Bailiff, to seize such Still, Still Head, or Worm, and to convey and deliver the same to the next Officer of Excise, who shall take such Still, Still Head, or Worm into his Custody, and secure the same, in like Manner as if such Still, Still Head, or Worm had been seized by him; and it shall in like Manner be lawful for any Justice of the Peace, Landlord, or Proprietor, or Steward or Bailiff, to seize any Low Wines, Singlings, Wort, Wash, Pot Ale, or any Corn or Grain making into Malt, in the Possession of any Person not entitled by Law to have the same in Possession, and to spill and destroy all such Low Wines, Singlings, Wort, Wash, Pot Ale, and Corn or Grain making into Malt.

Penalty on Persons concealing Spirits.

XXII. And be it further enacted, That every Person who shall harbour, keep, or conceal, or shall knowingly permit to be harboured, kept, or concealed, or shall give Aid or Assistance or Reward to any Person to harbour, keep, or conceal, any Spirits unlawfully made or distilled, or the full Duties whereon shall not have been fully paid, shall

shall forfeit One hundred Pounds, subject to the Mitigation herein-after mentioned.

Persons having in Possession Spirits for which Duty has not been paid, or having any Quantity exceeding a Gallon without Permit, to forfeit 100*l.*

XXIII. And be it further enacted, That every Person who shall have in his Custody or Possession any Spirits in any Quantity whatsoever the full Duties whereon shall not have been fully paid, or any Spirits in any Quantity exceeding One Gallon which shall not have been duly and legally permitted and attended with a proper Permit to him, shall for each and every such Offence forfeit the Sum of One hundred Pounds, subject to the Mitigation herein-after mentioned; and upon the Trial or Hearing of any Proceedings for the Recovery of such Penalty the Defendant shall be convicted, unless due Proof shall be made by such Defendant that the full Duties on such Spirits had been duly paid, or that such Spirits were bought by or for such Defendant and received from a licensed Distiller, or some Person licensed to sell Spirits, or that the same were attended with a proper Permit to such Defendant.

Penalty on Persons selling or delivering illicit Spirits.

XXIV. And be it further enacted, That every Person who shall sell or deliver any Spirits which shall have been illicitly distilled, or the full Duties whereon shall not have been fully paid, shall forfeit One hundred Pounds, subject to the Mitigation herein-after mentioned, unless Proof shall be made by such Person that such Spirits were bought or received by him from a licensed Distiller, or some Person licensed to deal in or sell Spirits.

Persons carrying or removing illicit Stills or Spirits to forfeit 100*l.* and may be arrested.

XXV. And be it further enacted, That it shall be lawful for any Officer of Excise to stop and detain any Person who shall be found removing or carrying any Still, Still Head, or Worm, or any Spirits of any Kind whatever, and to examine such Still, Still Head, or Worm, or such Spirits, and to ascertain whether such Still is duly marked, and to ascertain the Quantity, Quality, Sort, or Kind and the Strength of such Spirits, and to demand the Production of the Permit or Permits accompanying such Still, Still Head, or Worm, or such Spirits, if such Spirits shall amount to a Quantity for which a Permit is by Law required; and every Person so found removing any Still, Still Head, or Worm, or any Spirits which are by Law required to be accompanied by a Permit, who shall refuse to produce such Permit or Permits as aforesaid, on being required so to do by any Officer of Excise, or shall be found removing or carrying any Still, Still Head, or Worm, or such Spirits, without a lawful Permit, or shall be found removing or carrying, in any Quantity whatsoever, any Spirits which shall have been illegally distilled, or the Duties whereon shall not have been paid, or any Keg, Cask, or Vessel which shall have contained illicit Spirits, shall for every such Offence severally forfeit One hundred Pounds each, subject to the Mitigation hereafter mentioned; and the Still, Still Head, or Worm, or the Spirits, so carrying and removing, together with the Casks or Vessels containing the same, or the Casks, Kegs, or Vessels which shall have contained illicit Spirits, shall be forfeited, and may be seized by any Officer of Excise; and every such Officer is hereby authorized and required to stop, arrest, and detain every such Person, and to convey him, together with the Still, Still Head, or Worm, or Spirits, or Keg, so found

Stills, &c. so removed to be forfeited.

found removing or carrying, before One or more of His Majesty's Justices of the Peace residing near to the Place where any such Person shall be so stopped or arrested, to be dealt with as hereinafter is directed.

Bags, Casks, &c. in which illegal Malt or Spirits are contained, and all Carriages, &c. employed, to be forfeited.

XXVI. And be it further enacted, That all Bags, Casks, Bottles, Jars, Utensils, or Vessels in which any Malt, Corn, or Grain, or any Spirits, Worts, Wash, Pot Ale, Low Wines, Singlings, or other Liquors liable to Forfeiture under this Act, shall be contained, and all Carriages, Carts, Cars, and all Horses and other Cattle, and all Boats, made use of in the Removal or Conveyance, or having been used in the Removal or Conveyance, of any Liquors, or any Still, Still Head, or Worm, or any Malt or other Goods liable to Forfeiture under this Act, shall be forfeited, and may be seized by any Officer of Excise.

Persons being Owners of or interested in such Malt, Still, &c. to forfeit 100*l.*

XXVII. And be it further enacted, That every Owner or Part Owner of any Malt illegally made, or of any Corn or Grain illegally making into Malt, or of any Still, Still Head, or Worm, or of any Worts, Wash, or Pot Ale, Low Wines or Singlings, or of any Spirits, or of any Back, Vat, Utensil, or Vessel used for illicit malting or distilling, found or discovered to have been in the Possession of any other Person or in any Place whatever, or who shall have or derive any Interest in or from any illicit Malt, or Corn or Grain making into Malt, or any Still, Still Head, or Worm, or any Wort, Wash, or Pot Ale, Low Wines, Singlings, or Spirits illicitly made or distilled, shall forfeit One hundred Pounds, subject to the Mitigation hereafter mentioned.

Persons in whose Premises private Distillation or malting shall be carried on to forfeit 60*l.*

XXVIII. And be it further enacted, That if any Person shall permit or knowingly suffer any private making of Malt or Distillation of Spirits to be carried on in any House, Outhouse, Yard, Garden, Land, or Premises belonging to or in the Occupation of such Person, such Person shall forfeit Sixty Pounds, subject to the Mitigation herein-after mentioned.

Persons forcibly opposing Officers guilty of Felony.

XXIX. And be it further enacted, That every Person who shall, with any Fire-arms, Swords, Bludgeons, Sticks, Stones, or other offensive Weapons, assault, or with Force and Violence obstruct, any Officer of Excise, or other Person acting in his Aid, in searching for, seizing or securing, or in destroying any Spirits, Low Wines, Singlings, Wort, Wash, or Pot Ale, or any Still, Still Head, or Worm, or any Back, Vessel, or Utensil, or any Malt or Corn or Grain, or other Goods, or in seizing and securing any Horse, Cattle, Carriage, Cart, Boat, or Vessel, or in arresting, securing, or detaining any Person liable to Arrest under any of the Provisions of this Act, or shall rescue or attempt to rescue any Seizure made by any Officer of Excise, or any Person arrested and detained by any Officer of Excise, or who shall, to the Number of Two or more, be found armed with any Fire-arms, Swords, Bludgeons, Sticks, or Stones, or other deadly or offensive Weapons, or wearing any Mask, Vizard, or other Disguise of the Person, removing, carrying, and conveying, or having in their Custody and Possession, or assembled together for the Pur-

pose of or in order to be aiding and assisting, or being aiding and assisting, in carrying and conveying any Malt or Spirits illegally made or distilled, or the Duties whereon shall not have been fully paid, or any Still, Still Head, or Worm of a Still, or any Wort, Wash, Pot Ale, Low Wines, or Singlings, or any Corn or Grain making into Malt, or any Keg, Cask, or Vessel which shall have contained Spirits illegally distilled, or the Duties whereon shall not have been fully paid, shall be guilty of Felony, and on Conviction shall be transported for the Term of Seven Years, or, in the Discretion of the Court, sentenced to be imprisoned and kept to hard Labour for any Time not exceeding Three Years nor less than Six Calendar Months.

Penalty on Persons making Signals or giving Notice to Smugglers of the Approach of Excise Officers.

XXX. And whereas Officers of Excise are often prevented from detecting Persons engaged in the illicit making of Malt and Distillation of Spirits, by other Persons making Signals of and giving Notice of the Approach of the Officers; be it therefore enacted, That every Person who shall make or cause to be made, or aid or assist in making, any Signal to any Person engaged in illicit malting or distilling, or carrying or conveying or having in Possession any Malt, or Corn or Grain making into Malt, or any Still, Still Head, or Worm, or any Worts, Wash, Pot Ale, Low Wines, Singlings, or Spirits, or any Cask, Keg, or Vessel, or give any Warning to any such Person so engaged as aforesaid of the Approach of any Officer of Excise, or of any Person acting in his or their Aid, shall for every Offence forfeit Ten Pounds, subject to the Mitigation hereafter mentioned; and any Officer of Excise or any other Person may stop, arrest, and detain any Person who shall so make or aid or assist in making such Signal, or so giving Warning, and convey such Person before One or more of His Majesty's Justices of the Peace residing near to the Place where any such Person shall be so stopped, arrested, and detained, to be dealt with as herein-after is directed.

How Penalties are to be recovered.

XXXI. And be it further enacted, That all Penalties and Forfeitures imposed by this Act may be sued for, prosecuted, and recovered by Action of Debt, Bill, Plaint, or Information in His Majesty's Court of Exchequer in *Dublin*, in the Name of His Majesty's Attorney General, or in the Name of some Officer of Excise, or, on Complaint in manner herein-after mentioned, to or before any One or more of His Majesty's Justices of the Peace of the County, City, or Place wherein the Offence shall be committed.

Proceedings before Justices where Parties are not arrested.

XXXII. And be it further enacted, That where any Complaint shall be made to any Justice or Justices of the Peace for the Recovery of any Penalty under this Act (except as herein-after provided for in the Cases of Persons arrested and detained and brought before such Justice or Justices), the Justice or Justices to whom such Complaint shall be made is and are hereby authorized and required to summon the Party accused to appear before him or them on a Day and at a Time and Place to be named in such Summons, not being less than Six nor more than Fourteen Days from the Date of such Summons, and

and upon his Appearance or Default to proceed to the Examination of the Matter, and upon due Proof thereof, either on the Confession of the Party or upon the Oath of One or more credible Witness or Witnesses, to convict the Offender; and in case the said Penalty or Penalties, or the Amount to which the same shall be mitigated, shall not on Conviction be forthwith paid into the Hands of the Prosecutor or Person authorized to receive the same, such Justice or Justices may, by Warrant under his or their Hand or Hands, immediately commit such Offender or Offenders to any Gaol or Prison of the County or Place wherein the Offence shall have arisen, or wherein the Offender or Offenders shall have been found, there to remain for such Period as shall be specified in such Warrant, according to the Provisions of this Act, unless such Penalty or Penalties shall be sooner paid: Provided always, that where it shall appear to any Justice or Justices by or before whom any Person shall be convicted that such Person has sufficient Goods and Chattels whereon to levy the Penalty or Penalties, the Justice or Justices may, before issuing any Warrant of Commitment, grant a Warrant under his or their Hand or Hands to levy such Penalty or Penalties on the Goods and Chattels of such Offender; and if sufficient Goods and Chattels for satisfying such Warrant, and the Expences of the Levy and Sale of the Offender's Goods, shall not be found, then the said Justice or Justices shall grant such Warrant of Commitment as aforesaid.

If the Justice before whom any Complaint is made shall not attend, another Justice may hear and determine the Matter.

XXXIII. Provided always, and be it further enacted, That if any Justice or Justices to or before whom any Complaint shall have been exhibited, and who shall have issued any Summons, shall be absent or not attend at the Time and Place named in such Summons, it shall be lawful for any other Justice or Justices of the Peace within the same Jurisdiction who may be in attendance to act in the Matter of the said Complaint for and in lieu of the Justice to or before whom the same shall have been exhibited, in all respects relating to such Complaint, and the due Completion of the Proceeding thereupon, in the same Manner as if such Complaint had been at first exhibited before such other Justice or Justices; and in case neither the Justice or Justices, or either or any of them, before whom any such Complaint shall have been made, nor any other Justice, shall attend at the Time and Place named in the Summons, then the Justice or Justices before whom such Complaint shall have been made, or any One of them, shall, on Application made for that Purpose, issue a Second Summons for the Defendant's Appearance on a Day and Hour and at a Place to be therein named; at which Time and Place such Justice or Justices, or One of them, is hereby peremptorily required to attend to hear and determine the Matters of such Complaint: Provided also, that any Summons directed in the right or assumed Name of the Person summoned, left at or upon the Place used or occupied by any Person for carrying on Trade or Business, or at the House or Building where the Offence shall have been committed or Seizure made, or at the Place of Residence or with the Wife or Child or Servant of the Person summoned, shall be deemed to be duly served.

Serving of Summons.

XXXIV. And

Proceedings where Persons are arrested.

XXXIV. And be it further enacted, That any Justice or Justices of the Peace before whom any Person liable to be arrested and detained or who shall be arrested and detained for any Offence under the Provisions of this Act authorizing such Arrest and Detention shall be carried, may and shall, on the Confession of such Person of such Offence, or on Proof thereof upon the Oath or Oaths of One or more credible Witness or Witnesses, convict such Person of any such Offence; and every such Person so convicted shall immediately upon Conviction pay into the Hands of the Officer or Person authorized to receive the same the Penalty adjudged against him, or the Amount to which the same shall be mitigated; or, in default thereof, the said Justice or Justices shall, by Warrant under his or their Hand or Hands, commit the Person so convicted to any Gaol or Prison of the County or Place, there to remain for such Period as shall be specified in such Warrant according to the Provisions of this Act, unless such Penalty shall be sooner paid.

Justices may order Persons to be detained.

XXXV. And whereas it is expedient that Time should be allowed to prepare Complaints, Convictions, and Warrants of Commitment; be it further enacted, That where any Person shall be arrested and detained by any Officer or Officers of Excise for any Offence under any of the Provisions of this Act authorizing such Arrest and Detention, and shall be taken and carried before any Justice or Justices of the Peace, if it shall appear to such Justice or Justices that there is reasonable Cause to detain such Person, such Justice or Justices may order such Person or Persons to be detained a reasonable Time, and at the Expiration of such Time such Justice or Justices may proceed to hear and finally determine the Matter, or to commit such Person to Prison.

Where Petty Sessions are established, Defendants may be summoned to the Sessions, and Parties arrested may be held to Bail to appear at the Sessions.

XXXVI. And be it further enacted, That where any Complaint for the Recovery of any Penalty under this Act shall be made to any Justice or Justices of any County in which the holding of Petty Sessions shall be established under an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, such Justice or Justices may and is hereby required to summon the Party accused to appear before the Justices assembled at the next Petty Sessions to be holden for the District within which such Offence shall be committed, or the Justice or Justices to whom Complaint shall be made shall reside; and on the Appearance or Default of the Party accused the Justices assembled at such Petty Sessions shall proceed to the Examination of the Matter in question, and determine the same in manner herein directed to be done by Justices out of Sessions; and where any Person shall be arrested and detained, and be brought before any Justice or Justices of any County in which any such Petty Sessions shall be established, such Justice or Justices may and shall hold the Person so arrested to bail in the Sum of Twenty Pounds, with Two sufficient Sureties in the Sum of Ten Pounds each, to appear before the Justices assembled at the next Petty Sessions for the District; and the Justices assembled at such Petty Sessions shall proceed to hear and determine the Matter in

the same Manner as is herein directed to be done by the Justice or Justices before whom such Person shall be brought: Provided always, that if any Person so arrested and detained shall not be willing or able to give such sufficient Bail as aforesaid, the Justice or Justices before whom he, she, or they shall be brought shall immediately proceed to hear and determine the Matter as herein-before directed.

Persons liable to Arrest, not being detained at the Time, may be afterwards arrested.

XXXVII. And be it further enacted, That if any Person liable to be arrested and detained under the Provisions of this Act shall not be detained at the Time of committing the Offence for which he is so liable, or after Detention shall make his Escape, any Officer of Excise may stop, arrest, and detain such Person at any Time afterwards, and carry him before any Justice or Justices of the Peace, to be dealt with as if detained at the Time of committing the Offence.

Persons coming forward as Witnesses to claim Malt, Stills, or Materials, to be immediately convicted on their own Confession.

XXXVIII. And whereas where Proceedings are had against Persons for having Malt, or Corn or Grain, or Stills, Wash, Pot Ale, Singlings, or Spirits in Possession, other Persons frequently appear as Witnesses to make claim to and declare themselves the Owners or Proprietors of the Goods or Articles, in order to exempt the Persons in whose Possession the same may have been found from the Penalties incurred by such Possession; be it further enacted, That where in any such Proceeding any Person shall so appear as a Witness, and shall declare himself to be the Owner or Proprietor of any illegal Malt, or Corn or Grain making into Malt, or of any Still, Still Head, or Worm, or Wort, Wash, or Pot Ale, Low Wines, Singlings, or Spirits, or other illicit Articles found in the Possession of or in the House or Premises of the Person against whom such Proceedings shall be had, such Admission of Ownership shall not release or exempt the Person in whose Custody or Possession or in whose House or Premises such illicit Goods shall be found from the Penalty or Penalties by him or her incurred, but the Justice or Justices before whom such Proceedings shall be had shall proceed to convict such Person in such Penalty or Penalties, unless it shall appear to such Justice or Justices that the illicit Goods were found in some Outhouse, Shed, or Place where the same could be deposited without the Knowledge of the Owner or Occupier thereof, and that the Person proceeded against as such Owner or Occupier had not any Knowledge of such Goods; and such Justice or Justices are hereby empowered and required, whether the Person in whose Possession or in whose House or Premises such illicit Goods shall have been found shall or shall not be convicted, to cause the Person who shall have appeared as a Witness and acknowledged himself to be the Owner and Proprietor of the illicit Goods to be immediately detained, and to proceed forthwith to convict such Person, as on his or her Confession, in the Penalty by this Act imposed for being the Owner and Proprietor of the Malt, or Corn or Grain, Still, Still Head, or Worm, or Wort, Wash, Pot Ale, Low Wines or Singlings, or Spirits, or other Goods, and in default of Payment to commit such Person to the Gaol or Prison; and every such Conviction shall be as good, valid, and effectual as if Complaint had been made to

such Justice or Justices, and such Person had been duly summoned to appear before such Justice or Justices.

Powers of Mitigation.

XXXIX. And be it further enacted, That any Justice or Justices of the Peace may, when they shall see Cause, mitigate any Penalty incurred for any Offence committed against this Act, as he or they shall think fit, so as such Mitigation shall not in any Case reduce such Penalty to less than Six Pounds; and every such Mitigation, and Payment thereupon made, shall be a sufficient Discharge of every such Penalty to the Person or Persons convicted: Provided always, that no Justice or Justices shall commit any Person to any Gaol or Prison for Nonpayment of any Penalty adjudged against such Person under the Provisions of this Act, or of any mitigated Amount thereof, for any Period less than Three Calendar Months.

Proviso as to Imprisonment.

Where any Person convicted shall be guilty of a subsequent Offence, the Mitigation not to be less than Double the Amount of the former Fine.

XL. And be it further enacted, That where any Person who shall have been convicted and adjudged to pay a Penalty for any Offence against any of the Provisions of this Act shall be again convicted of any other Offence against any of the Provisions of this Act, the Justice or Justices who shall convict such Person of such subsequent Offence shall not mitigate the Penalty incurred to any less Amount than Double the Amount of the Sum adjudged against such Person when last convicted, and in default of immediate Payment such Person shall be committed to the Gaol or Prison of the County or Place for not less than Double the Period for which such Person was committed or liable to be committed on such preceding Conviction; and the Justice or Justices committing any such Person convicted of any such subsequent Offence, shall in the Warrant of Commitment direct such Person to be kept to hard Labour, unless it shall be made to appear to such Justice or Justices that such Person had paid at least One Half of the Penalty adjudged against such Person on his previous Conviction: Provided always, that no Penalty to be imposed by any Justice or Justices for any first or subsequent Offence against the Provisions of this Act shall exceed the Amount herein-before imposed for each Offence respectively, nor shall any Person be committed in default of Payment for any longer Period than Twelve Calendar Months.

Proviso.

Proof of former Conviction.

XLI. And be it further enacted, That Proof of any former Conviction, and the Amount of the Penalty adjudged against any Person, or to which such Penalty was mitigated under the Provisions of this Act, may be made by the Production of such former Conviction, or of any Warrant of Commitment issued thereon, and Proof of the Justices Handwriting thereto, or by the Confession of the Party, or by the Testimony on Oath of any One or more credible Witness or Witnesses who shall have been present at such former Conviction.

Penalties and Imprisonment to be proportioned;

XLII. And whereas Persons convicted of Offences against the Provisions of this Act, and committed to Prison in default of Payment of the Penalty adjudged against them, may be able to pay a Part

and Defendants may pay Part of the Penalty to be released from a Portion of the Imprisonment.

Part of such Penalty, but not the Whole; and it is expedient to make Provision for enabling such Persons to make Payment of Part of the Penalty adjudged against them, and to apportion the Period of Imprisonment to the Amount which shall remain unpaid; be it therefore enacted, That every Justice and Justices of the Peace by and before whom any Person or Persons shall be convicted of any Offence against this Act shall, in mitigating any Penalty in which any such Person shall be convicted, and in committing such Person or Persons to Gaol in default of Payment of the Penalty in which he shall have been convicted, so apportion the Amount of Mitigation and Period of Imprisonment as that the Penalty or mitigated Amount thereof being divided by the Period of Imprisonment may be regularly calculated into even monthly Instalments of not less than Two Pounds *per* Calendar Month, and every Month's Imprisonment which any Person convicted of any Offence against this Act, and against whom any Penalty shall have been adjudged, shall suffer, shall be taken to be equivalent to Payment of One Month's Instalment of such Penalty; and if any Person who shall be committed to Prison in default of Payment of any Penalty under the Provisions of this Act shall, after undergoing any Part of such Imprisonment, be desirous of being released therefrom on Payment of a Proportion of such Penalty, such Person may pay into the Hands of the Gaoler or Keeper of the Prison such a Sum of Money as shall appear to be the Amount of the Penalty remaining due after deducting the monthly Instalment or Instalments which shall be deemed to have been paid by the Number of Calendar Months such Person shall have been in Prison; (that is to say,) if such Person shall have been committed to Prison for the Period of Three Calendar Months for Nonpayment of the Sum of Six Pounds, and shall have been in Prison Two Calendar Months, then to pay the Sum of Two Pounds; if in Prison One Month, then to pay the Sum of Four Pounds; if such Person shall have been committed for the Period of Six Months for Nonpayment of Eighteen Pounds, and shall have undergone One Month's Imprisonment, then to pay the Sum of Fifteen Pounds; if in Prison Two Months, Twelve Pounds; if in Prison Five Months, Three Pounds; and so in proportion, reckoning as aforesaid each Calendar Month's Imprisonment equal to a Payment of a monthly Proportion of the Amount of Penalty for Nonpayment of which such Person shall have been committed; and every Gaoler and Keeper of any Prison in which any such Person shall be imprisoned shall on Receipt of such Payment forthwith discharge the Person making the same from Custody for the Remainder of the Period for which such Person shall have been committed; and if any Person against whom any Penalty shall be adjudged for any Offence against this Act, and who shall be directed to be committed to Prison for any Period for Default of Payment of such Sum, shall previous to being removed to the Gaol or Prison pay down any Part of the Penalty which he or she shall be adjudged to pay, the Justice or Justices before whom such Person shall be convicted may allow such Part Payment to be made; and such Justice or Justices shall in every such Case, by Indorsement on the Back of the Warrant of Commitment, specify the Amount so paid, and direct such Person or Persons to be imprisoned for such a Period of Time only as shall be equivalent,

equivalent, according to the monthly Proportions or Instalments of the Penalty, calculated and apportioned as aforesaid, to the Amount of Penalty remaining unpaid: Provided always, that no Sum less than the Sum of Two Pounds shall be allowed to be so paid as a Proportion or Instalment of any Penalty, or if the monthly Proportion shall exceed the Sum of Two Pounds, then no less a Sum than One whole monthly Proportion of the Penalty, calculated and apportioned as aforesaid, shall be allowed to be paid by any Person in order to be released from any Portion of his or her Imprisonment.

Not less than One Monthly Instalment to be accepted.

XLIII. And be it further enacted, That in all Cases where any Levy Warrant shall be issued by any Justice or Justices for the Recovery of any Penalty by him or them imposed under the Authority of this Act, and any Sum of Money shall be recovered by the Distress and Sale of the Goods and Chattels of the Party convicted, the Amount so recovered, if equal, after deducting the Expences of the Levy and Sale, to One Month's Proportion of the Penalty, shall be deemed a Payment by such Party; and the Justice or Justices who shall have granted such Warrant shall proceed in the same Manner as if the Sum so recovered had been paid by such Person, and shall indorse the Warrant of Commitment accordingly.

Where a Levy Warrant is issued, the Sum recovered to be deemed a Payment.

XLIV. And be it further enacted, That every Gaoler or Keeper of any Gaol or Prison who shall receive any Proportion of any Penalty for Nonpayment of which any Person shall have been committed to his Custody under the Provisions of this Act shall forthwith on the Receipt of the same, by Indorsement on the Warrant of Commitment, specify the Amount paid, and the Time when the same was paid, and the Person paying the same liberated; and every such Gaoler or Keeper shall pay over every such Sum of Money so received to the Collector of Excise, or any Person authorized by such Collector to receive the same, on Demand, or in default of Payment shall forfeit a Sum equal to Double the Amount so by him received; and every Gaoler and Keeper of any Prison shall produce to the Inspection of any Officer of Excise who may demand to see the same every Warrant of Commitment under which any Person shall have been committed to the Custody of such Gaoler or Keeper for Nonpayment of any Penalty under the Authority of this Act, within Twelve Months preceding such Demand, and shall allow and permit the Officer of Excise requiring the same to inspect every such Warrant, and to take a Copy thereof, and of any Indorsement thereon, or any Extract therefrom; and if any such Gaoler or Keeper shall refuse or neglect to produce any such Warrant, when so demanded, or to allow the Officer of Excise demanding the same to inspect such Warrant, or to take any Copy thereof, or of any Indorsement thereon, or any Extract therefrom, every Gaoler or Keeper so offending shall for every such Offence forfeit One hundred Pounds, to be recovered in the same Manner and by the same Means and Methods as other Penalties under this Act are to be sued for, levied, and recovered.

Gaoler to pay over all Money by him received to the Officer of Excise authorized to receive it.

XLV. And be it further enacted, That all Penalties or Portions of Penalties which shall be recovered for any Offences done or committed against the Provisions of this Act, shall, when recovered, be

Application of Penalties.

applied, in the first place, in Payment of the Expences of recovering the same, and in the next place shall be divided and paid, one Moiety thereof to the Use of His Majesty, and the other Moiety thereof, in such Shares and Proportions as the Commissioners of Excise shall direct, to and amongst the Officer or Officers of Excise who shall have discovered the Offences for the Commission of which such Penalties shall be imposed, and the Person or Persons acting in the Aid and Assistance of such Officer or Officers, or who shall have given Information of such Offences, or to and amongst such of them as the said Commissioners shall direct to share therein; and in all Cases where any Penalty shall be imposed on any Person for any Offence against the Provisions of this Act, and such Penalty, or One Half thereof, shall not be recovered, the Commissioners of Excise may direct a Sum of Money not exceeding One Moiety of the Penalty imposed to be paid from the Revenue of Excise, and divided and distributed in the same Manner as the Moiety of the Penalty, if recovered, would have been divided and distributed amongst the Officers of Excise, and the Persons acting in their Aid and Assistance, or who shall have given any Information, or such of them as the said Commissioners shall direct to share therein.

Seizures, if not claimed within 14 Days, to be forfeited; if claimed, to be proceeded against as other Excise Seizures.

XLVI. And be it further enacted, That all Seizures made of any Goods, Commodities, Chattels, or Things forfeited under the Provisions of this Act, and not claimed within the Space of Fourteen Days after Seizure, by Application in Writing either to the Collector or Supervisor of Excise, or to the Officer seizing, or in whose Custody the Goods, Commodities, Chattels, or Things seized shall be, shall be absolutely forfeited, as fully and effectually as if the same had been condemned by Judgment of Condemnation of His Majesty's Court of Exchequer; and in all Cases in which any Goods, Commodities, Chattels, or Things seized shall be claimed by any Person within such Time as aforesaid, such Proceedings shall be had for the Condemnation thereof as in the Case of other Goods, Commodities, or Chattels or Things seized as forfeited under any Law or Laws of Excise.

Disposal of Seizures.

XLVII. And be it further enacted, That all Malt, Corn, or Grain, and all Spirits, which shall be seized under the Provisions of this Act, which shall become forfeited for Want of Claim, or which being claimed shall, on Proceedings had for the Condemnation thereof, be adjudged forfeited, shall be sold and disposed of, either publicly to the best Bidder, or by private Sale, at such Time, at such Place, and in such Manner as the Commissioners of Excise shall direct; and all and every Still, Still Head, and Worm, and all Casks, Kegs, and Vessels, which shall be seized and become forfeited as aforesaid, shall be cut up and broken to Pieces, and the Materials thereof sold and disposed of in like Manner by Order of the Commissioners of Excise; and all Boats, Horses, Carriages, and other Goods, Commodities, and Chattels, so seized and become forfeited, shall in like Manner be sold and disposed of as the Commissioners of Excise shall direct; and all Worts, Wash, Low Wines, and Singlings, so seized, shall be wholly and effectually spilled and destroyed; and the Monies arising from the Sale and Disposal of such Seizures shall, when received, be applied,

under the Directions of the Commissioners of Excise, in the first place, in Payment of the Expences, if any, incurred in the Seizure or Removal of the Goods, Commodities, or Chattels seized, or in the Condemnation thereof; and after Payment of such Expences such Monies shall be divided and paid, in such Proportions and in such Manner as the Commissioners of Excise shall order and direct, to and amongst the Officer or Officers of Excise by whom such Seizure shall be made, and the Person or Persons acting in the Aid and Assistance of such Officer or Officers, or by whose Information such Seizure shall have been discovered, or to and amongst such of them as the said Commissioners shall direct to share therein: Provided always, that no Malt or Spirits seized and forfeited under the Provisions of this Act shall be sold for any Sum less than the Duties of Excise payable thereon; and in case any such Malt or Spirits shall not sell for an Amount equal to the Duties payable thereon, such Malt or Spirits shall be effectually destroyed; and in such Case it shall be lawful for the Commissioners of Excise to order a Sum of Money, not exceeding the Duties on the Malt or Spirits so destroyed, to be paid out of the Revenue of Excise, and to be divided in the same Manner as the Produce of such Seizures, if sold, would have been divided. Proviso.

XLVIII. And be it further enacted, That on the Hearing or Trial of any Proceedings for Recovery of any Penalty imposed by this Act on any Person who shall sell, buy, or receive, or shall remove, carry, or convey, or assist in removing, carrying, or conveying, or shall hide or conceal, or have in his or her Possession, or in whose Dwelling House, Outhouse, or Premises shall be found, any Spirits illegally distilled, or the full Duties chargeable whereon had not been paid, or any Spirits whatever in any Quantity requiring a Permit by Law which shall not have been duly and legally permitted and attended with a proper Permit, or any Malt illegally made, or the Duties chargeable whereon shall not have been paid, the Defendant or Defendants in such Proceedings shall be convicted, unless due Proof be made by such Defendant or Defendants that the full Duty on such Spirits has been duly paid, or that such Spirits were bought by or for such Defendant or Defendants and received from a licensed Distiller or some Person licensed to sell Spirits, or that the same were attended with a proper Permit or Permits to such Defendant or Defendants, or unless due Proof shall be made by such Defendant or Defendants that the full Duty on such Malt has been fully paid, or that such Malt was bought by or for such Defendant or Defendants and received from a licensed Maltster, or from a Person regularly and publicly carrying on the Trade or Business of a known Factor or Seller of Malt; any Law, Usuage, or Custom to the contrary notwithstanding. Proof of Payment of Duties, or of a Permit, to be made by Defendants.

XLIX. And be it enacted, That the Proceedings to be had before any Justice or Justices for the Recovery of any Penalty under this Act may be in the Form contained in the Schedule hereto annexed; and it shall not be lawful for any Person to appeal against any Judgment or Conviction or Proceedings of any Justice or Justices under this Act, nor shall any Writ of Certiorari or other Writ or Process be issued Proceedings to be in the Form in the Schedule.

issued out of any of His Majesty's Courts of Record, on behalf of any Defendant, to remove or any way affect any such Judgment, Conviction, or Proceeding.

Either of the offending Parties informing against the other shall be acquitted of his own Penalty.

L. And for the more effectual Discovery of Offenders, be it further enacted, That on the Commission of any Offence under this Act, either of the offending Parties who shall first discover and inform against the other or others of such offending Parties, before any Information or Complaint has been lodged against such informing Party for such Offence, shall, upon Conviction of the Person or Persons against whom such Information shall be given, be discharged and acquitted from all Penalties to which at the Time of such Information given such informing Party may be liable, for or by reason of any such Offence committed by such informing Party; and that the Evidence of such informing Party shall on any Trial at Law touching such Offence be admitted to prove the Facts thereof or relating thereto.

Illicit Distillers and Maltsters subject to the Penalties under other Acts.

LI. Provided always, and be it further enacted, That all and every Person committing any Offence against the Provisions of this Act, by illegally making Malt, or distilling, selling, or keeping Spirits, or removing Spirits, shall also be subject and liable to all Penalties imposed by any other Act or Acts in force relating to Malt and Spirits, and to Permits, in the same Manner as if such Person or Persons were duly licensed as Maltsters or Makers of Malt, or Distillers, Rectifiers, or Compounders, Dealers in, or Retailers of Spirits; and the Commissioners of Excise may, if they shall see fit, order any Persons committing any Offence against this Act to be sued and prosecuted for the Recovery of any other or further Penalty or Penalties, Forfeiture or Forfeitures, incurred under the Provisions of any other Acts relating to Malt or Spirits, in lieu of or in addition to the Penalties or Forfeitures by this Act imposed.

No Action against an Officer without a Month's Notice in manner required by 7 & 8 G. 4. c. 53.

LII. And be it further enacted, That no Writ, Summons, or Process shall be sued out against or served on, nor shall any Action be brought or prosecuted against, any Officer of Excise, or any Person acting in the Aid and Assistance of any such Officer, or against any other Person, for any thing done in pursuance of this Act, until the Expiration of One Calendar Month's Notice in Writing shall have been delivered to such Officer or Person in manner required by an Act made in the Seventh and Eighth Years of His late Majesty's Reign, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout* Great Britain *and* Ireland; which said Act shall, in all Matters and Things not expressly provided for in this Act, or not repugnant thereto, or hereby altered or varied, extend to this Act.

Construction of Terms in this Act.

LIII. And in order to avoid the frequent Use and Repetition of numerous Terms and Expressions in this Act, and to give effect to and prevent any Misconstruction of those which are used in it, be it enacted, That whenever in this Act the Singular Number or Masculine Gender only shall be used, such Word or Words shall be construed to mean several Persons as well as One, and Females as well

well as Males, and Bodies Corporate and Politic as well as Individuals, and several Matters and Things as well as One Matter or Thing, unless it be otherwise specially provided for, or there be something in the Subject or Context repugnant to such Construction.

Repeal of Acts and Parts of Acts:

LIV. And be it enacted, That the several Acts and Parts of Acts herein-after mentioned shall be and the same are hereby repealed, save and except as herein-after is provided; (that is to say,) an Act passed in the Forty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide for the regulating and securing the Collection of the Duties on Spirits distilled in* Ireland, *and the warehousing of such Spirits for Exportation*; an Act passed in the Forty-seventh Year of the Reign of His said Majesty, intituled *An Act to amend an Act made in the Forty-sixth Year of His present Majesty, for the regulating and securing the Collection of the Duties on Spirits distilled in* Ireland; an Act passed in the Forty-eighth Year of His said late Majesty's Reign, intituled *An Act to amend the several Acts for the regulating and securing the Collection of the Duty on Spirits distilled in* Ireland; so much of an Act passed in the Forty-ninth Year of His said Majesty's Reign, intituled *An Act to amend the several Acts for the regulating and securing the Collection of the Duties on Spirits distilled in* Ireland, *and for regulating the Sale of such Liquors by Retail*, as relates to the regulating and securing the Duties on Spirits, and the Imposition of Penalties for illicit Distillation; an Act passed in the Fiftieth Year of His said Majesty's Reign, intituled *An Act to amend the several Acts relating to the making of Malt, and the granting of Permits and Certificates, and the Regulations of Braziers and of Persons employing more than One Still in* Ireland; an Act passed in the Fifty-second Year of His said Majesty's Reign, intituled *An Act to amend several Acts relating to the Revenue of Inland Excise and Taxes in* Ireland; an Act passed in the Fifty-fourth Year of His said Majesty's Reign, intituled *An Act to consolidate and amend the Regulations contained in several Acts of Parliament for imposing and levying of Fines upon Parishes, Townlands, and other Places, in respect of the unlawful Distillation of Spirits in* Ireland; an Act passed in the Fifty-fifth Year of His said Majesty's Reign, intituled *An Act for the better collecting and securing the Duties on Spirits distilled in* Ireland; an Act passed in the same Fifty-fifth Year, intituled *An Act to amend several Acts relating to Fines in respect of unlawful Distillation in* Ireland, *to the warehousing of Spirits, and to the securing the Duties of Excise on Spirits distilled, and on Hides and Skins tanned in* Ireland; an Act passed in the same Fifty-fifth Year, intituled *An Act to amend the Laws for imposing and levying of Fines in respect of unlawful Distillation of Spirits in* Ireland; an Act passed in the Fifty-sixth Year of His said Majesty's Reign, intituled *An Act to make certain Provisions for modifying the several Acts for imposing and levying of Fines in respect of unlawful Distillation of Spirits in* Ireland; an Act passed in the Fifty-ninth Year of His said Majesty's Reign, intituled *An Act to limit the Continuance of the Operation of the several Acts for imposing Fines upon Townlands and Places in* Ireland, *in respect of Offences relating to the unlawful Distillation of Spirits; and to amend the said Acts; and to provide for the more effectual Prevention or Suppression of such Offences:*

46 G. 3. c. 88.
47 G. 3. Sess. 2. c. 17.
48 G. 3. c. 81.
49 G. 3. c. 99. in part.
50 G. 3. c. 99.
52 G. 3. c. 97.
54 G. 3. c. 150.
55 G. 3. c. 111.
55 G. 3. c. 12.
55 G. 3. c. 151.
56 G. 3. c. 112.
59 G. 3. c. 98.

Provided

Proviso for Duties and Penalties incurred and Offences committed before 1st May 1831.

Provided always, that all Duties of Excise, and Arrears thereof, and all Fines, Penalties, and Forfeitures, incurred by any Person or Persons under the said recited Acts or any of them before the First Day of *May* One thousand eight hundred and thirty-one, shall and may be sued for, levied, and recovered under the Provisions of the said recited Acts; and that all Persons who before the said First Day of *May* One thousand eight hundred and thirty-one shall have been arrested and committed for Trial or held to Bail for any Felony or Misdemeanor done or committed under or against the said recited Acts or any of them shall and may be prosecuted, convicted, and punished under the Powers, Provisions, and Authorities of the said recited Acts; and all Clauses, Powers, Authorities, and Provisions in the said recited Acts severally contained shall, for the Purpose of recovering such Duties and Arrears, Fines, Penalties, and Forfeitures, and for the prosecuting, convicting, and punishing of all such Persons so arrested and committed or held to Bail, but no further, be and continue in full Force and Effect.

Commencement of Act.

LV. And be it further enacted, That this Act shall commence and take effect from and immediately after the First Day of *December* One thousand eight hundred and thirty-one.

Act may be altered this Session.

LVI. And be it further enacted, That this Act or any of the Provisions thereof may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHE-

SCHEDULE to which this Act refers.

Form of Complaint to a Justice of the Peace, where the Party charged is not liable to be arrested and detained.

No. 1.

County of } *A. B.*, Officer of Excise, complaineth to *C. D.*, One of
to wit. } His Majesty's Justices of the Peace in and for the
County of against *E. F.* of the Parish of
in the same County, for that on the Day of
in the Year of our Lord [*here state the Offence according to the Forms given below*] contrary to the Form of the Statute in such Case made and provided, whereby the said *E. F.* hath forfeited the Sum of One hundred Pounds.

The said *E. F.* did keep and use a certain Kiln for the drying of Corn and Grain, situate at in the said County, without having made Entry thereof in manner required by the Statute in such Case made and provided.

The said *E. F.* did keep and use a certain Kiln for the drying of Corn and Grain, situate at in the said County, without having his Name and Place of Abode painted on the Outside of the Door or other Entrance thereof, or on a Board on some conspicuous Part of the Outside thereof, in manner required by the Statute in such Case made and provided.

The said *E. F.* was the Owner and Keeper of a certain Kiln for drying Corn and Grain, situate at in the said County, and that on the said Day of a certain Quantity, (that is to say,) Bushels of Malt, [*or* a certain Quantity, (that is to say,) Bushels of Corn and Grain making into Malt,] was found by Officer of Excise on the said Kiln.

The said *E. F.* did place a certain Quantity, (that is to say,) Bushels of Malt, [*or* a certain Quantity, (that is to say,) Bushels of Corn and Grain making into Malt,] on a certain Kiln erected and kept for drying Corn and Grain, [*or* on a certain Kiln not entered for making Malt,] situate at in the said County.

The said *E. F.* did keep and use a certain Mill for the grinding of Corn, Grain, and Malt, situate at in the said County, without having made Entry thereof in manner required by the Statute in such Case made and provided.

The

The said *E. F.* did keep and use a certain Mill for the grinding of Corn, Grain, and Malt, situate at in the said County, without having his Name and Place of Abode painted on the Outside of the Door or other Entrance thereof, or on a Board on some conspicuous Part of the Outside thereof, in manner required by the Statute in such Case made and provided.

The said *E. F.* did keep a Mill for the grinding of Corn, Grain, and Malt, situate at in the said County, and did on the said Day of in the Year receive and permit and suffer to be received into and deposited in the said Mill a certain Quantity, (that is to say,) Bushels of Malt illegally made [*or* the Duties whereon had not been fully paid or secured].

The said *E. F.* did receive, keep, and conceal at in the same County a certain Quantity, (that is to say,) Bushels of Malt illegally made [*or* the Duties whereon had not been duly paid or secured].

A certain Quantity, (that is to say,) Bushels of Malt illegally made, [*or* the Duties whereon had not been fully paid and secured,] was found at in the said County of in the Possession of the said *E. F.* [*or* was found in the Dwelling House of the said *E. F.* situate at in the said County,] [*or* was found in a certain Outbuilding or Place [*or* in certain Premises] situate at in the said County, occupied by the said *E. F.*]

The said *E. F.*, not being a Maltster and Maker of Malt duly licensed, and keeping a Malthouse entered for making Malt according to Law, did at in the said County wet and steep a certain Quantity, (that is to say,) Bushels of Corn and Grain to be made into Malt.

The said *E. F.*, not being a Maltster and Maker of Malt duly licensed, and keeping a Malthouse entered for making Malt according to Law, had in his [*or* her] Custody and Possession at in the said County, [*or* in his [*or* her] Dwelling House situate at in the said County of [*or* in a certain Outbuilding [*or* Place] situate at in the said County] occupied by him [*or* her] a certain Quantity, (that is to say,) Bushels of Corn and Grain wetted and steeped and making into Malt.

The said *E. F.*, being a Maker of Stills at in the said County, did, for the Space of Three Days after a certain Still of less Content than Two hundred Gallons made by him [*or* her] the said *E. F.* was finished, neglect to give Notice to the proper Supervisor or Officer of Excise that the said Still was ready to be gauged and stamped as required by the Statute in such Case made and provided.

The said *E. F.*, at in the said County, did import and bring a certain Still of less Content than Two hundred Gallons into *Ireland*, and did for the Space of Three Days after the Arrival of such Still neglect and omit to give Notice of the same to the proper Officer or Supervisor of Excise, as required by the Statute in such Case made and provided.

The said *E. F.* was the Owner of a certain Still of less Content than Two hundred Gallons, at in the said County, which said Still had not been previously gauged by the proper Officer of Excise, and marked in the Manner required by the Statute in such Case made and provided.

A certain Still which had not been properly gauged by the proper Officer of Excise, and marked in the Manner required by the Statute in such Case made and provided, was found in the Possession of the said *E. F.* at in the said County.

The said *E. F.*, at in the same County, did send and convey a certain Still from a certain Part of *Ireland* to another Part thereof, without having obtained a Permit, as required by the Statute in such Case made and provided, for the Removal of the said Still.

The said *E. F.*, not being a licensed Distiller, Brewer, or Maker of Vinegar, did, at in the said County, brew and make [*or* had in his [*or* her] Possession at in the said County] a certain Quantity, (that is to say,) Gallons of Worts, Wash, and Pot Ale, the same not being for the Purpose of being brewed into Beer for the private Use of him [*or* her] the said *E. F.*

The said *E. F.*, not being a licensed Distiller, did, at in the said County, distil [*or* had in his [*or* her] Possession] a certain Quantity, that is to say, Gallons of Low Wines and Singlings.

The said *E. F.*, not being licensed to use or keep a Still, had and kept at in the said County a certain Still, Still Head, and Worm of a Still.

The said *E. F.*, not being lawfully authorized thereto, had in his Possession at in the said County, [*or*] had in a certain Dwelling, Outbuilding, Place, or Premises occupied by him the said *E. F.* at a certain Quantity, (that is to say,) Gallons of Wort, Wash, and Pot Ale, not being for the Purpose of being made into Beer for private Use, [*or*] a certain Quantity, (that is to say,) Gallons of Low Wines and Singlings, [*or*] a certain Still, Still Head, and Worm of a Still.

The said *E. F.* was the Proprietor [*or* Occupier] of a certain House [*or* Place] situate at in the said County, in which a certain private and concealed Still, [*or*] Back, [*or*] Vat, [*or*] Cooler, [*or*] Vessel, used in illicit Distillation, [*or*] a certain

Quantity, (that is to say,) Gallons of private and concealed Spirits, [*or*] of private and concealed Low Wines, [*or*] of private and concealed Wort, [*or*] of private and concealed Wash, [*or*] of private and concealed Materials preparing [*or*] prepared for Distillation, [*or*] a certain Quantity, (that is to say,) Bushels of illegally made Malt, [*or*] of Corn and Grain making into Malt, was on the said Day of in the Year aforesaid seized by one *G. H.*, Officer of Excise.

The said *E. F.* at in the said County did obstruct, oppose, molest, and hinder *G. H.*, Officer of Excise, and *I. K.*, acting in the Aid and Assistance of the said *G. H.*, in the searching for and seizing certain private and concealed Stills, Backs, Vats, Coolers, and other Vessels used in illicit Distillation.

[*or*] certain Quantities of private and concealed Spirits, Low Wines, Wash, and other Materials for Distillation.

[*or*] certain Quantities of illegally made Malt, and Corn and Grain making into Malt.

The said *E. F.* did at in the said County obstruct, &c. [*as before*] in detaining and keeping in the Place where the same were found, [*or*] in removing from the Place where the same were found to the next Office of Excise, certain private and concealed Stills, &c. [*as before.*]

The said *E. F.* did at in the said County harbour, keep, and conceal, [*or*] knowingly permitted to be harboured, kept, or concealed, [*or*] did give Aid and Assistance, [*or*] a certain Reward, to one *G. H.*, to harbour, keep, and conceal, a certain Quantity, (that is to say,) of Spirits which had been illegally distilled, [*or*] the Duties chargeable whereon had not been paid.

The said *E. F.* at in the said County had in his Possession a certain Quantity of Spirits for which a Permit is by Law required, which said Spirits had not been duly and legally permitted and attended with a proper Permit to him [*or* her] the said *E. F.*

[*or*] a certain Quantity, (that is to say,) of Spirits, the full Duties whereon had not been fully paid.

The said *E. F.* was the Owner [*or*] Part Owner of a certain Quantity of Malt illegally made, [*or*] a certain Quantity of Corn and Grain illegally making into Malt, [*or*] a certain Still, Still Head, and Worm, [*or*] a certain Quantity of Worts, Wash, and Pot Ale, [*or*] Low Wines and Singlings, [*or*] of Spirits, [*or*] a certain Back, Vat, [*or*] Utensil, [*or*] Vessel used for illicit malting [*or*] distilling, found [*or*] discovered to have been in the Possession of one *G. H.* at in the same County.

The said *E. F.* was interested in a certain Quantity of illicit Malt, [*or*] of Corn or Grain making into Malt, [*or*] in a certain

Still, Still Head, and Worm, [*or*] in a certain Quantity of Worts, Wash, and Pot Ale, [*or*] of Low Wines and Singlings, [*or*] of Spirits illicitly made [*or*] distilled, found [*or*] discovered to have been in the Possession of one *G. H.* at in the said County.

The said *E. F.* did permit and knowingly suffer a certain private making of Malt [*or*] Distillation of Spirits to be carried on in a certain House, [*or*] Outhouse, [*or*] Yard, [*or*] Garden, [*or*] on certain Lands [*or*] Premises situate at in the said County, belonging to [*or*] in the Occupation of the said *E. F.*

No. 2.

Summons on the foregoing Complaint.

WHEREAS Complaint hath been made to me, *C. D.*, One of His Majesty's Justices of the Peace in and for the County of by *A. B.*, Officer of Excise, against you, *E. F.*, for that on the Day of in the Year you, *E. F.*, did [*as in the Complaint, using* "you" *and* "your" *for* the said *E. F.*, *or* the Dwelling of the said *E. F.*, *&c.*] contrary to the Form of the Statute, and whereby you have incurred the Penalty of : You are therefore hereby summoned to be and appear at the Hour of of the Clock on the Day of One thousand eight hundred and at before me, or such other of His Majesty's Justices as shall be then and there attending, to answer and make Defence to the Matters of the said Complaint; and in default of your Appearance the same will be heard and determined in your Absence. Dated this Day of in the Year One thousand eight hundred and thirty

(Signed) *C. D.*
J. P.

To *E. F.* of the Parish of
in the County of

No. 3.

Form of Conviction to be used for an Offence against this Act, on Complaint made where the Offender has been summoned, being liable to Arrest.

County of } BE it remembered, That on the Day of
to wit. } in the Year of our Lord a Complaint was exhibited by *A. B.*, Officer of Excise, before *C. D.*, One of His Majesty's Justices of the Peace in and for the County of against *E. F.*, which said Complaint charged that on the Day of in the Year

Year of our Lord [*here state the Offence as in the Complaint*] contrary to the Form of the Statute; which Offence has been duly proved before me the said Justice: I do therefore adjudge that the said *E. F.* hath forfeited for his said Offence the Sum of [*in Cases where the Power of Mitigation is exercised, and these Words,*] which said Sum of I the said Justice adjudging the same do hereby mitigate to the Sum of . Given under my Hand and Seal, the Day of in the Year

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No. 4.

Form of Commitment to Gaol of an Offender not liable to Arrest.

County of } To *A. B.* and *G. H.*, Officers of Excise, or to either of
to wit. } them, to all others acting in their Aid and Assistance, and to the Gaoler or Keeper of the at in the .

WHEREAS *E. F.* has been convicted before me, *C. D.*, One of His Majesty's Justices of the Peace in and for the County of of having [*state the Offence as in the Complaint*] contrary to the Form of the Statute in such Case made and provided, the said *E. F.* has for such Offence been adjudged by me the said Justice to have forfeited the Sum of which Sum of has been mitigated to the Sum of ; and the said *E. F.*, having been so convicted, not having paid on such his Conviction the said last-mentioned Sum of , These are therefore to require you the said *A. B.* and *G. H.*, or either of you, forthwith to take, carry, and convey the said *E. F.* to the at in the and to deliver him into the Custody of the Gaoler or Keeper of the said ; and the said Gaoler or Keeper of the said is hereby by me the said Justice required to receive the said *E. F.* into his Custody, and him safely keep until the Expiration of Calendar Months, unless the said Sum of shall be sooner paid. Given under my Hand, at in the of , this Day of in the Year of our Lord .

No. 5.

Warrant of Distress, where such Warrant is issued.

County of } To *A. B.* and *L. M.*, Officers of Excise, to *G. H.*, Con-
to wit. } stable, and to all others acting in their Aid and Assistance.

WHEREAS *E. F.* has been duly convicted before me, *C. D.* Esquire, One of His Majesty's Justices of the Peace, of the Offence of having [*state the Offence from the Complaint*]: And whereas the said *E. F.* has forfeited for his said Offence the Sum of by me the said Justice mitigated to the Sum of

which said last-mentioned Sum of has not been paid; These are therefore to command you the said *A. B.*, *L. M.*, and *G. H.*, or either of you, to levy the said Sum of by Distress and Sale of the Goods and Chattels of the said *E. F.*; and I the said Justice do hereby order and direct the Goods and Chattels so to be distrained to be sold and disposed of within Days after such Distraint, unless the said Sum of for which such Distress shall be made, together with all reasonable Charges of taking and keeping such Distress, shall be sooner paid. You the said *A. B.*, *L. M.*, and *G. H.* are hereby commanded to certify to me the said Justice, on the Day of next ensuing, what you shall do by virtue of this Warrant. Given under my Hand and Seal, at in the , this Day of in the Year of our Lord

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No. 6.

Commitment, where the Defendant is arrested.

County of } To *A. B.*, Officer of Excise, and to the Gaoler or Keeper
to wit. } of the in the

WHEREAS *E. F.* of has been convicted before me, *C. D.*, One of His Majesty's Justices in and for the of of having on the Day of in the Year of our Lord at in the County of [*here state the Offence according to the Facts in the Form below*] contrary to Form of the Statute in such Case made and provided; and he the said *E. F.* has for such Offence been adjudged by me the said Justice to have forfeited the Sum of which said Sum of has been mitigated to the Sum of ; and the said *E. F.*, having been so convicted, not having paid on such his Conviction the said last-mentioned Sum of I the said Justice do hereby commit and send the said *E. F.* to the at there to remain for the Space of Calendar Months, unless the said Sum of shall be sooner paid; and I do hereby command you the said *A. B.* to convey and deliver the Body of the said *E. F.* to the Gaoler or Keeper of the said and the said Gaoler or Keeper of the said is hereby by me the said Justice required to receive the said *E. F.* into his Custody in the said and him there safely to keep, in execution of the Judgment and Conviction aforesaid. Given under my Hand and Seal, at this Day of in the Year of our Lord .

" Been discovered in a certain Room" [*or*] " Place where the private Distillation of Spirits," [*or*] " private making and preparing of Worts, Wash, and Pot Ale," [*or*] " Singlings," [*or*] " the private making of Malt was then carrying on."

" Been found removing and carrying a certain Still, Still Head, and Worm," [*or*] " certain Spirits for which a Permit was by Law required without a lawful Permit accompanying the same."

" Been found removing and carrying certain Spirits which had been illegally distilled," [*or*] " the Duties whereon had not been paid," [*or*] " a certain Keg," [*or*] " Cask," [*or*] " Vessel which had contained illicit Spirits."

" Made, and aided and assisted in making, certain Signals to certain Persons engaged in illicit malting," [*or*] " distilling," [*or*] " carrying and conveying," [*or*] " having in their Possession certain Quantities of Malt," [*or*] " Corn or Grain making into Malt," [*or*] " a certain Still, Still Head, and Worm," [*or*] " certain Worts, Wash, and Pot Ale," [*or*] " Low Wines and Singlings," [*or*] " Spirits," [*or*] " a certain Cask, Keg," [*or*] " Vessel," in order to give Notice to such Persons of the Approach of certain Officers of Excise."

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