ANNO QUINTO & SEXTO

# VICTORIÆ REGINÆ.

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## C A P. XCIII.

## An Act to amend an Act of the Fourth Year of Her present Majesty, to discontinue the Excise Survey on Tobacco, and to provide other Regulations in lieu thereof. [10th *August* 1842.]

WHEREAS an Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to discontinue the Excise Survey on Tobacco, and to provide other Regulations in lieu thereof:* 3 & 4 Vict. c. 18. And whereas the Practice has greatly increased of introducing in the Manufacture of Tobacco and Snuff various Articles other than Tobacco, either as Substitutes for Tobacco or Snuff, or to increase the Weight of Tobacco or Snuff, by which Practice the Duties on Tobacco are greatly injured, and the Revenue further damnified by Drawbacks being obtained on adulterated Tobacco, and it is therefore expedient and necessary, in Protection of the Revenue, to make further Provision than is contained in the said recited Act for preventing such evil Practice, and to amend the said recited Act; be it therefore enacted by the Queen'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

Manufacturers to use Water only in manufacturing Tobacco, and no other Liquid or Substance than as herein described in manufacturing Snuff.

Authority of the same, That no Manufacturer of Tobacco shall, in manufacturing any Tobacco, make use therewith of any other Material, or any other Liquid or Substance, or Matter or Thing, than Water only, or in manufacturing any Snuff make use therewith of any other Material, or any other Liquid or Substance, or Matter or Thing, than Water, or Water and Salt, or Alkaline Salts only, or Lime Water in Snuff known as *Welch* or *Irish* Snuff; and every Manufacturer of Tobacco who shall, in manufacturing any Tobacco, make use therewith of any other Material, Liquid or Substance, Matter or Thing, than Tobacco and Water only, or in manufacturing any Snuff make use therewith of any other Material, Liquid or Substance, Matter or Thing, than Water, or Water and Salt, or Alkaline Salts only, or Lime Water in Snuff known as *Welch* or *Irish* Snuff, and every Manufacturer of, Dealer in, or Retailer of Tobacco, who shall add to, mix with, or put into or amongst, or who shall cause or suffer or permit to be added to, mixed with, or put into or amongst any Tobacco or Snuff, unmanufactured, manufacturing, or manufactured, any other Material, Liquid, Substance, Matter, or Thing than, as respects Tobacco, Water only, and as respects Snuff, Water, or Water and Salt, or Alkaline Salts only, or Lime Water in Snuff known as *Welch* or *Irish* Snuff, shall forfeit Three hundred Pounds.

Penalty, 300*l.*

Penalty not to be incurred by Use of Essential Oils for scenting or flavouring Snuff.

II. Provided always, and be it enacted, That nothing herein-before contained shall subject any Manufacturer of, Dealer in, or Retailer of Tobacco to the said Penalty of Three hundred Pounds, or to any Forfeiture, for or by reason of his scenting or flavouring any Snuffs, so that only the Essential Oils usually made use of for that Purpose shall be used for communicating the Scent or Flavour, nor any Manufacturer to the said Penalty for or by reason of his using Oil in making up Spun or Roll Tobacco.

Penalty on receiving, sending out, or having in possession Tobacco or Snuff manufactured otherwise than with Water, 200*l.*

III. And be it enacted, That every Manufacturer of, Dealer in, or Retailer of Tobacco who shall receive or take into or have in his Possession, or who shall sell, send out, or deliver, any Tobacco or Snuff which shall have been manufactured with, or shall have had added thereto or mixed therewith, or into or amongst which there shall have been put, either before or whilst in process of Manufacture, or after being manufactured, or in which there shall be found on Examination thereof any other Material, Liquid, Substance, Matter, or Thing than, as respects Tobacco, Water only, or in Roll Tobacco Water and Oil only, and as respects Snuff, Water, or Water and Salt, or Alkaline Salts only, or Lime Water in Snuff known as *Welch* or *Irish* Snuff, shall forfeit Two hundred Pounds.

Tobacco manufactured otherwise than with Water forfeited.

IV. And be it enacted, That all Tobacco and Snuff which shall have been manufactured with, or shall have added thereto or mixed therewith, or into or amongst which there shall have been put, either before or whilst in process of Manufacture, or after being manufactured, or which on Examination shall be found to contain any other Material, Liquid, Substance, Matter, or Thing than, as respects Tobacco, Water only, or in Roll Tobacco Water and Oil, and as respects Snuff, Water, or Water and Salt, or Alkaline Salts only, or Lime Water

Water in Snuff known as *Welch* or *Irish* Snuff, shall, wheresoever the same may be found, be forfeited.

Manufacturers not to have in their Possession Sugar, Honey, Leaves, &c.

V. And be it enacted, That no Manufacturer of Tobacco shall receive or take into or have in his Custody or Possession any Sugar, Treacle, Molasses, or Honey, (except for the necessary and ordinary Use of his Family, the Proof whereof shall lie on such Manufacturer,) nor any Commings or Roots of Malt, or any ground or unground roasted Grain, ground or unground Chicory, Lime, Sand (not being Tobacco Sand), Umbre, Ochre, or other Earths, Sea Weed, ground or powdered, Wood, Moss, or Weeds, or any Leaves, or any Herbs or Plants (not being Tobacco Leaves or Plants) respectively, nor any Substance or Material, Syrup, Liquid, or Preparation, Matter or Thing, to be used or capable of being used as a Substitute for or to increase the Weight of Tobacco or Snuff, on pain of forfeiting the same and Two hundred Pounds. Penalty, 200*l.*

Manufacturers of Tobacco, who are also Grocers at the passing of the Act may continue to carry on the Trades.

VI. And whereas it may happen that some Manufacturers of Tobacco may also carry on the Business of a Grocer, and it is expedient to provide for such Persons not being subject to the last-mentioned Penalty of Two hundred Pounds for or by reason of their having Sugar or Molasses and other of the aforesaid Commodities usually sold by Grocers in their Custody or Possession on the Premises used in carrying on their Grocery Business; be it enacted, That where any Person shall before the First Day of *June* One thousand eight hundred and forty-two have carried on, and shall at the passing of this Act be still carrying on, the Trade or Business of a Manufacturer of Tobacco, and also the Trade or Business of a Grocer, it shall be lawful for the Commissioners of Excise to authorize and empower such Person to continue to carry on the Business of a Manufacturer of Tobacco without being subject to the said Penalty for or by reason of having such of the said Commodities as are usually sold by Grocers in his Custody or Possession, so as his Premises for manufacturing Tobacco be separated, to the Satisfaction of the Commissioners of Excise, from, and all internal Communication prevented with, his Premises used for carrying on his Business of a Grocer, and so that such Commodities shall be in his Custody or Possession only on his Grocery Premises, and for the Purposes of his Trade or Business as a Grocer, and shall not be found or discovered in his Premises entered or used for the Manufacture of Tobacco or Snuff.

Officers of Excise may take Samples of Tobacco or Snuff.

VII. And be it enacted, That it shall be lawful for any Officer of Excise, at any Time that he shall see fit, to take a Sample or Samples of any Tobacco or Snuff unmanufactured, or in process of Manufacture, or manufactured, in the Stock or Possession of any Manufacturer of, Dealer in, or Retailer of Tobacco, paying for the same, if demanded, at the current wholesale Price of such Tobacco or Snuff.

No Person to cut, colour, or manufacture,

VIII. And be it enacted, That every Person who shall cut, grind, pound, colour, stain, dye, or manufacture any Leaves, or any Herb or

or have in his Possession, any Leaves or other Matters to imitate or to be mixed with Tobacco or Snuff.

or Plant, Moss or Weed, or any Wood, Chicory, Commings or Roots of Malt, or any other vegetable or other Matter or Material to imitate or resemble Tobacco or Snuff, or who shall prepare any of the said Articles, Matters, or Materials to be mixed with or to be added to Tobacco or Snuff, or who shall have in his Custody or Possession any Leaves, or any Herb, Plant, Moss, or Weed, or any ground or powdered Wood, Chicory, Commings or Roots of Malt, or any other vegetable or other Matter or Material, cut, ground, pounded, coloured, stained, dyed, or manufactured to imitate or resemble Tobacco or Snuff, or prepared for the Purpose of being mixed with or added to Tobacco or Snuff, or intended to be so cut, ground, pounded, coloured, stained, dyed, or manufactured or prepared, or who shall sell, dispose of, or deliver to any Manufacturer of Tobacco any Leaves, Herbs, Plants, Moss, or Weeds, ground or powdered Wood, Chicory, Commings or Roots of Malt, or other vegetable or other Matter, or any Preparation or Mixture thereof, or any Syrup, Liquid, or Preparation to be used in the Manufacture of Tobacco or Snuff, or to be added to or mixed therewith, shall forfeit Two hundred Pounds; and all such Leaves, Herbs, Plants, Moss, or Weed, ground or powdered Wood, Chicory, Commings or Roots of Malt, and other vegetable or other Matter or Preparation, or Mixture thereof, Syrup, Liquid, or Preparation, together with all Machines, Tools, Materials, Vessels, and Utensils for cutting, grinding, pounding, colouring, staining, dyeing, manufacturing, or preparing the same, shall be forfeited.

Penalty.

3 & 4 Vict. c. 18. s. 7. repealed.

IX. And be it enacted, That so much of the said recited Act as enacts "that no Tobacco Stalks or Returns of Tobacco shall be removed from any Place in or Part of the United Kingdom to any other Place or Part thereof in any Quantity less than Fifty Pounds Weight, nor unless the Package containing the same shall have firmly and securely pasted or glued thereon a Certificate, clearly written or printed, and signed by the Manufacturer by whom the same shall be sent out, or his Foreman or chief Workman on his Behalf, setting forth the Name of such licensed Manufacturer, and the entered Premises from which such Tobacco Stalks or Returns of Tobacco shall be sent out, the Weight of the same, the Day, Month, and Year on which the same shall be sent out, and the Name and entered Premises of the licensed Manufacturer to whom the same are to be delivered; and every Manufacturer of Tobacco who shall send out, deliver, or remove or receive any Tobacco or Returns of Tobacco in any less Quantity than aforesaid, or not contained in a Package having such Certificate as aforesaid firmly pasted or glued thereon, or who shall make out or use any false Certificate, shall forfeit One hundred Pounds; and all Tobacco Stalks or Returns of Tobacco which shall be sent out, delivered, or received, or be found removing, in any less Quantity than as aforesaid, or without such Certificate as aforesaid, shall be forfeited; and the Person removing or who shall have removed the same shall forfeit Fifty Pounds," shall be and the same is hereby repealed, save and except as to any Offence committed or any Penalty or Forfeiture incurred before the passing of this Act.

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Tobacco Stalks not to be removed in less Quantities than Fifty Pounds, nor without a Certificate.

Penalty.

XI. And be it enacted, That so much of the said recited Act as enacts "that no Person whatsoever shall cut, colour, stain, or manufacture any Leaves of Trees, Herb, or Plant whatsoever (not being Tobacco Leaves or Plants) into the Form of or to imitate or resemble Tobacco unmanufactured or manufactured, or shall mix with or add to any Tobacco any Leaves of Trees, Herb, or Plant, not being Tobacco Leaves or Plants, or shall sell, vend, utter, or expose for Sale, or have in his Custody or Possession, any Leaves of Trees, Herb, or Plant cut, coloured, stained, or manufactured, or to be cut, coloured, stained, or manufactured into the Form or in imitation of or to resemble Tobacco, on pain of forfeiting One hundred Pounds, with all such Leaves, Herbs, or Plants, which may be seized by any Officer of Excise or Customs," shall be and the same is hereby repealed, save and except as to any Offence committed or any Penalty or Forfeiture incurred before the passing of this Act.

3 & 4 Vict. c. 18. s. 11. repealed.

XII. And be it enacted, That so much of the said recited Act as enacts "that no Person or Persons whatsoever shall hawk or sell or offer for Sale any Tobacco or Snuff of any Description in or about the Streets or Highways or other Places, or in any other Manner or Place whatsoever, except in the entered Premises of a licensed Manufacturer or Dealer in or Retailer of Tobacco or Snuff, on pain of forfeiting all such Tobacco or Snuff, and One hundred Pounds; and it shall be lawful for any Officer of Excise or Customs to arrest and detain any Person who shall hawk or sell or offer for Sale in manner aforesaid any Tobacco or Snuff, and to convey such Person before One or more of Her Majesty's Justices of the Peace residing near to the Place where such Person shall be arrested and detained; and the Justice or Justices before whom such Person shall be conveyed shall

3 & 4 Vict. c. 18. s. 12. repealed.

have full Authority and he and they is and are hereby required forthwith to hear and determine what shall be then and there alleged against such Person, and on Confession of the Party, or by Proof on Oath of One or more credible Witness or Witnesses made of such Offence, to convict any Person so offending as aforesaid; and the Person so convicted shall immediately on such Conviction pay the said Sum of One hundred Pounds, or some mitigated Amount, not being less than One Fourth Part thereof; and if any Person so convicted shall not forthwith pay down the said Penalty or Amount, the said Justice or Justices shall and he and they is and are hereby authorized and required, by Warrant under his or their Hand, to commit the Person so convicted to any Gaol or Prison of the County, there to be kept to hard Labour for Three Calendar Months: Provided always, that nothing herein-before contained shall extend to make liable to the said Penalty any Servant or Person duly employed by any licensed Manufacturer of or Dealer in Tobacco or Snuff to travel for Orders, and producing Samples, in the due and ordinary Course of Business," shall be and the same is hereby repealed, save and except as to any Offence committed or Forfeiture or Penalty incurred before the passing of this Act.

No Person to hawk about Tobacco or Snuff for Sale under a Penalty, and Officers may arrest Offenders, and convey them before a Justice of the Peace, who shall forthwith hear the Case, and inflict or mitigate the Penalty.

XIII. And be it enacted, That no Person or Persons shall hawk or sell or offer for Sale any Tobacco or Snuff of any Description in any House or Premises, or in or about the Streets or Highways or other Places, or in any other Manner or Place whatsoever, except as a licensed Manufacturer of or Dealer in or Retailer of Tobacco in his entered Premises, on pain of forfeiting all Tobacco and Snuff in his Possession, and One hundred Pounds; and it shall be lawful for any Officer of Excise or Customs to arrest and detain any Person who shall hawk or sell or offer for Sale any Tobacco or Snuff in any House or Premises, or in or about the Streets or Highways or other Places, or in any other Manner than as aforesaid, and to convey such Person before One or more of Her Majesty's Justices of the Peace residing near to the Place where such Person shall be arrested and detained; and the Justice or Justices before whom such Person shall be conveyed shall have full Authority and he and they is and are hereby required forthwith to hear and determine what shall be then and there alleged against such Person, and on Confession of the Party, or by Proof on Oath of One or more credible Witness or Witnesses made of such Offence, to convict any Person so offending as aforesaid; and the Person so convicted shall immediately on such Conviction pay the said Sum of One hundred Pounds, or some mitigated Amount, not being less than One Fourth Part thereof; and if any Person so convicted shall not forthwith pay down the said Penalty or Amount, the said Justice or Justices shall and he and they is and are hereby authorized and required, by Warrant under his or their Hand, to commit the Person so convicted to any Gaol or Prison of the County, there to be kept to hard Labour for Three Calendar Months: Provided always, that nothing herein-before contained shall extend to make liable to the said Penalty any Servant or Person duly employed by any licensed Manufacturer of or Dealer in Tobacco or Snuff to travel for Orders, and producing Samples, in the due and ordinary Course of Business.

Proviso.

XIV. And

Interpretation of Terms.

XIV. And be it enacted, That in the said recited Act and this Act the Words "Manufacturer of, Dealer in, and Retailer of Tobacco" shall include Manufacturers of, Dealers in, and Retailers of Snuff, and Snuff Millers; and the Word "Tobacco" shall include Tobacco Stalks, Tobacco Flour, Returns of Tobacco, and Segars, and Tobacco of every Description; and "Snuff" shall include all Snuff Work and Snuffs of every Description, except where in Terms or by the Context a more limited Construction shall appear to be intended.

Commencement of Act.

XV. And be it enacted, That this Act shall commence and take effect on the Tenth Day of *August* One thousand eight hundred and forty-two: Provided always, that the Penalty and Forfeiture hereinbefore imposed upon Manufacturers of, Dealers in, and Retailers of Tobacco, for receiving or having in possession, or selling, sending out, or delivering, Tobacco or Snuff which shall have been manufactured with, or which shall have had added thereto or mixed therewith, or in which shall be found, any other Material than Water only, or Water and Salt, Alkaline Salt, or Lime Water, shall not be enforced in respect of any Tobacco until after the First Day of *November* One thousand eight hundred and forty-two; nor until after the Tenth Day of *August* One thousand eight hundred and forty-three shall the said Penalty or Forfeiture be enforced in respect of any Snuff or Snuff Work which shall have been manufactured or be in the course of Manufacture before or at the passing of this Act, or which shall be made from Returns of any Tobacco manufactured before the passing of this Act; but nevertheless, in every Case in which any Question shall arise whether any Snuff or Snuff Work was so manufactured or in course of Manufacture, the Proof of the same having been manufactured or in course of Manufacture before or at the passing of this Act, or having been made from Returns of Tobacco manufactured before the passing of this Act, shall lie on the Manufacturer, Dealer, or Retailer inwhose Possession such Snuff or Snuff Work shall be found.

Act may be amended this Session.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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