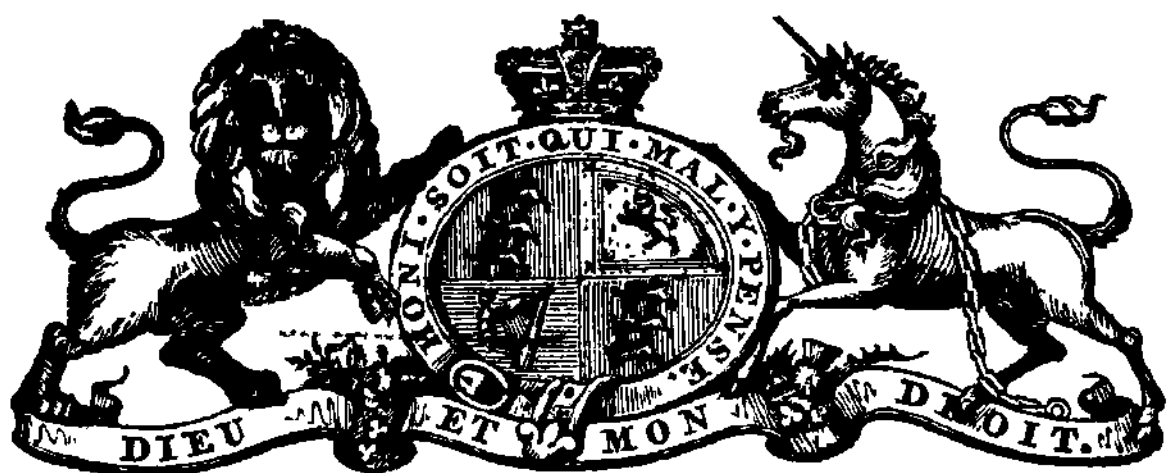


VICTORIA.



ANNO VICESIMO QUINTO

VICTORIÆ REGINÆ.

No. CXLVII.

An Act to consolidate and amend the Law relating to the distillation rectifying and compounding of Spirits to the granting a duty upon Spirits distilled in Victoria and to regulate the brewing of Beer and the sale of fermented and spirituous Liquors in certain cases.

[18th June, 1862.]

WHEREAS it is expedient to consolidate and amend the law relating to the distillation rectifying and compounding of spirits to the granting a duty upon spirits distilled in Victoria to restrain illicit distillation to regulate the brewing of beer and to make further provision for the sale of fermented and spirituous liquors in quantities not less than two gallons Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows:

I. The several Acts and parts of Acts mentioned in the first Schedule to this Act to the extent to which such Acts and parts of Acts are in and by the same Schedule expressed to be repealed shall be and the same are hereby repealed but all offences against any of the said Acts or parts of Acts committed before this Act shall come into operation shall be prosecuted and all proceedings in execution of the said Acts or parts of Acts taken before this Act shall come into operation shall be as valid to all intents and purposes and may be continued executed and enforced against all persons liable thereto in the same manner as if this Act had not been passed.

II. It shall be lawful for the Governor in Council to appoint an officer to be called the chief inspector of distilleries and such and so many inspectors of distilleries and other inferior officers as may be necessary for the due execution of this Act and until such appointments shall have been made under this Act the chief inspector of distilleries and all other officers appointed under the provisions of any of the Acts hereby repealed shall have full authority to carry into execution the provisions of this Act.

III. Any person except as hereinafter excepted who shall carry on the business of a distiller or rectifier and compounder of spirits or who shall have in his possession or who shall make use of any still or other utensil for distilling or rectifying and compounding spirits except in such place

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place as the Governor in Council shall by proclamation in the *Government Gazette* direct shall be liable to a penalty of not less than one hundred pounds nor more than five hundred pounds.

Penalty for making use of stills without license.

IV. Any person who shall have in his possession or on his premises or who shall make use of any still utensil or apparatus for distilling or rectifying and compounding spirits without first having obtained a license for keeping or using the same from the Commissioner of Trade and Customs shall be liable to a penalty of not less than fifty pounds nor more than five hundred pounds together with the forfeiture of all such stills utensils and apparatus.

License, how obtained.

V. Any person desirous of obtaining a license to distil or to rectify and compound spirits shall apply by memorial addressed to the Commissioner of Trade and Customs for such license and such memorial shall describe the premises where such distillation is to be carried on and shall be accompanied by a plan of such premises showing the situation of the still and all other vessels and apparatus to be used on such premises together with the dimensions and capacity of all such vessels and apparatus and such plan shall contain such other particulars as shall from time to time be required and directed by such Commissioner to be given.

Vessels and form of license.

VI. The Commissioner of Trade and Customs is hereby authorized to grant licences in accordance with the provisions of this Act and every license so granted by such commissioner shall be in the form prescribed in the second and third schedules of this Act and shall specify the premises in which the distillation or rectifying and compounding of spirits shall be carried on and no such licence shall authorize the person obtaining the same to have or use any still or other apparatus used in distillation or in the rectifying and compounding of spirits in any other place than that mentioned in such license and any person having or using any still or other apparatus as hereinbefore mentioned in any other place than that mentioned in such license shall be liable to the penalty hereinbefore imposed upon any person having and using any still or other apparatus for distillation without having first obtained a license.

Conditions of license.

VII. No license shall be granted under this Act (except as hereinafter provided) unless the wash still shall be capable of containing double the quantity of the low wines or spirit stills and no such license shall (except as hereinafter provided) authorize any person to have or use any still of less capacity than forty gallons or any distilling apparatus which shall not be capable of exhausting at least fifty gallons of wash in the hour. Provided that the Commissioner of Trade and Customs may if he think fit refuse to license any still of less capacity than four hundred gallons or any distilling apparatus not capable of exhausting two hundred gallons of wash in the hour.

Premises to be inspected.

VIII. Before any license shall be granted under the provisions hereinbefore mentioned the premises described in the memorial hereinbefore mentioned shall be inspected by the chief inspector of distilleries or some officer by him deputed so to do who shall certify to the Commissioner of Trade and Customs that such premises comply with the requirements of this Act and such certificate shall be as near as may be in the form prescribed in the fourth schedule of this Act.

Recognizance to be entered into.

IX. Before any license shall be granted under this Act the person applying for the same together with two good and sufficient sureties to be approved of by the Commissioner of Trade and Customs or chief inspector of distilleries shall enter into a recognizance to Her Majesty in the sum of five hundred pounds conditioned for the due and faithful observance of all the laws relating to the distilling or rectifying and compounding

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compounding of spirits in force in the Colony of Victoria or which may be in force at any time after the execution of such recognizance.

X. It shall be lawful for the Commissioner of Trade and Customs to grant the proprietor of any vineyard who shall have in cultivation and actually planted with vines a quantity of land not less than two acres a licence to keep and use a still of not less than twenty-five gallons nor more than fifty gallons capacity for the purpose of distilling spirits from wine or the lees of wine being the produce of his own vineyard such spirits except as hereinafter excepted to be used only for fortifying the wines produced on the vineyard of the person obtaining such licence so that such wines when so fortified shall not contain more than twenty per centum of alcohol of the specific gravity of eight hundred and twenty-five at the temperature of sixty degrees of Fahrenheit's thermometer and all wines so fortified which shall be found to contain more than the proportion of spirits herein specified shall be forfeited and may be seized by an officer authorized under this Act.

Wine grower's licence.

XI. Before such licence shall be granted the person applying for the same shall produce to the Commissioner of Trade and Customs a certificate signed by two justices of the peace or one police magistrate certifying that such person has in cultivation and actually planted with vines a quantity of land not less than two acres and that such person is a fit and proper person to hold such license and such person shall together with two good and sufficient sureties to be approved of by such commissioner or chief inspector of distilleries enter into a recognizance to Her Majesty in a sum of not less than one hundred pounds nor more than four hundred pounds conditional that he will not use the still in respect of which he is licensed for any other purpose than that which is specified in such license and that he will not use any spirits distilled by him for any other purpose than that of fortifying his wines as hereinbefore mentioned.

Certificate required.

XII. Every proprietor of a vineyard so licensed to distil spirits as aforesaid shall within ten days of the expiration of each quarter terminating on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December respectively during the term of his license furnish to the chief inspector of distilleries a return specifying the number of gallons of proof spirits made by him during the quarter and of the number of gallons of such spirits used by him to fortify his wines and of the number of gallons of such spirits remaining on hand on the above mentioned quarter days respectively and such return shall be in the form set forth in the fifth schedule of this Act and if any such proprietor shall neglect to make such return or shall make a false return he shall be liable to a penalty of not less than fifty pounds nor more than one hundred pounds. Provided that if at the end of any year such wine grower shall have a surplus of spirits more than sufficient for the fortifying his wines it shall be lawful for the Commissioner of Trade and Customs to grant his permission in writing to such wine grower to sell or dispose of the same in one lot under the inspection of an inspector of distilleries upon payment of the duties chargeable on such spirits or to remove the same to a duly licensed bonded warehouse.

Return of spirits distilled.

XIII. Every proprietor of a vineyard who shall have obtained a license to distil spirits as hereinbefore provided shall provide upon his premises a cellar or storeroom built of stone or brick in which said cellar or store room all spirits produced on the premises for the purpose authorized by the license shall be deposited and kept securely locked until required for the purpose of fortifying wine as hereinbefore

Spirit cellar or storeroom to be provided.

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before mentioned and all spirits found in any other place on the said premises than the said cellar or store room in quantity greater than two gallons shall be forfeited and the person so having spirits in his possession in any greater quantity than two gallons in any other place than in such cellar or store room shall be liable to a penalty of fifty pounds together with an additional penalty of forty shillings for every gallon of spirits so found and all spirits so made shall be conveyed into such cellar or store room and shall be secured in such manner as the chief inspector of distilleries may direct and any person breaking open or entering such cellar or store room except in the presence of or with the permission of an inspector of distilleries shall be liable to a penalty of one hundred pounds.

Winegrower's license
to distil spirit for
sale.

XIV. It shall be lawful for the Commissioner of Trade and Customs to grant to any proprietor of a vineyard who shall have in cultivation and actually planted with vines a quantity of land not less than ten acres a license to have and use on his premises a wash still of capacity not less than eighty gallons and a feints or spirit still of capacity not less than forty gallons or a distilling apparatus capable of exhausting not less than fifty gallons of wash in the hour for the purpose of distilling spirits from wine or the lees of wine for sale upon the payment of duties or for exportation free of duty.

License how ob-
tained

XV. Every person requiring such license shall make application for the same in writing addressed to the Commissioner of Trade and Customs and bearing his own proper signature and such application shall specify the purpose for which such license is required and the size and description of the distilling apparatus intended to be used and there shall accompany or be annexed to his said application correct drawings of such apparatus and a correct plan of the premises where such apparatus is intended to be used and such person so applying for a license shall furnish to such commissioner a certificate signed by two justices or one police magistrate certifying that such person is a fit and proper person to hold such license and upon the issuing of such license the person to whom such license shall be granted shall with two good and sufficient sureties to be approved of by the said commissioner or chief inspector of distilleries enter into a recognizance in the sum of four hundred pounds payable to Her Majesty and conditioned that such person will not make use of such still or suffer it to be made use of for any other purpose than such as is authorized by the license and every person who shall have in his possession any still without having entered into such recognizance and obtained such license shall be liable to the penalty of having and using a still without a license.

Distilling utensils to
be kept in good
repair.

XVI. Every maker of wine licensed to distil brandy as afore-said for sale or exportation shall maintain and keep the several utensils cocks pumps plugs pipes troughs and other apparatus in good repair and shall at his own expense provide proper and sufficient fastenings to the satisfaction of the chief inspector of distilleries or officer acting under his instructions for the purpose of securely fastening the cellar or spirit store (hereinafter provided for) the several covers furnace doors tail pipes condensing-chamber safes pumps plugs taps and other utensils belonging or appertaining to such stills or distilling apparatus and it shall be lawful for any inspector of distilleries or other officer appointed under this Act at all times to enter upon the premises where distillation is authorized for the purpose of inspecting the same and to lock and secure the cellar or spirit store and the several coverings furnace doors tail pipes condensing-chamber safes pumps taps and other fastenings which in the opinion of the chief inspector of distilleries are required
and

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and any such wine maker who shall neglect to keep his utensils in repair or to provide sufficient fastenings or safes as above required or who shall obstruct such officer in the discharge of his duty shall be liable to a penalty of fifty pounds.

XVII. Every person licensed under this Act for the purpose of distilling spirits from wine when requiring to make use of such stills or distilling apparatus shall give at least six clear days' notice in writing to the chief inspector of distilleries or other officer acting under his authority in order that an officer appointed under this Act may be placed in attendance to open the several locks and fastenings and to superintend the distillation of such spirits as aforesaid.

Notice to be given.

XVIII. Every wine maker licensed under this Act to distil brandy as aforesaid for sale or exportation shall provide a cellar or store room in which all such brandy shall be securely placed under the locks of the Crown until required for removal for sale on payment of duty for bonding for exportation or for fortifying his wines as hereinafter provided and every such store shall be built of brick or stone and ceiled and plastered on the inside with mortar made of lime and sand the windows shall be fastened and secured by bars of iron one inch thick and firmly fixed in the masonry or brick work at not more than six inches apart there shall be but one doorway or entrance into such store and that shall be provided with a stout door sheeted on the inside with iron and for the better protection of the spirits contained in such store it shall be lawful for the Commissioner of Trade and Customs to make such rules and regulations as he may from time to time think fit.

Spirit cellars or store room to be provided.

XIX. It shall be lawful for the Commissioner of Trade and Customs to grant permission for the removal from such store and without payment of duty of such quantity of brandy as may be required for the purpose of fortifying wines the property of such wine maker in quantity not exceeding two gallons of proof spirits to ten gallons of wine and all such brandy so removed from such cellar or store room for fortifying such wine shall be mixed on the premises of such wine maker and in the presence of some officer appointed under the Act and under such regulations as the Commissioner of Trade and Customs shall for that purpose make and all wines which may be found on the premises of such wine maker or distiller to contain more than twenty per centum of alcohol of the specific gravity of eight hundred and twenty-five at the temperature of sixty degrees of Fahrenheit's thermometer or the equivalent of this quantity computed at proof according to Sykes' hydrometer shall be forfeited and may be seized by any officer appointed under this Act.

Removal of spirits for fortifying wines.

XX. Every licensed maker of such brandy shall within ten days after the expiration of each quarter terminating on the thirty-first day of March thirtieth day of June thirtieth day of September and thirty-first day of December furnish to the chief inspector of distilleries a return stating the number of gallons at proof of brandy on hand at the termination of the previous quarter the number made during the quarter then ended the number issued on payment of duty the number removed to a bonding warehouse the number exported the number used for fortifying his wine and the number on hand at the close of the quarter and such return shall be in the form prescribed by the fifth schedule to this Act.

Return to be furnished.

XXI. It shall be lawful for the Commissioner of Trade and Customs to make an allowance to such brandy maker of not more than two and half per cent. on the number of gallons of spirits colored by such brandy maker in the cellar or store room on his premises during any quarter and a further allowance not exceeding three per cent. on the total quantity

Allowance for coloring spirits.

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quantity made up from the balance on hand at last quarter and the total quantity made during the quarter terminating at the period to which such return relates and such licensed maker of brandy shall pay duty at the rate payable on colonial made spirits for any deficiency over and above the allowances previously made unless it shall be proved to the satisfaction of the chief inspector of distilleries or other officer acting on his behalf that such deficiency arose from leakage absorption accident or other causes over which such brandy maker had no control and that such deficiency did not arise from any fraud practised or intended.

License to use naphtha still.

XXII. It shall be lawful for the Commissioner of Trade and Customs to grant if he shall think fit to any person applying for the same a license to keep and use a still or other distilling apparatus for the purpose of distilling naphtha pyroligneous acid ammonia or other chemical manufacture or article in the production of which the process of distillation is necessary and every license so granted shall specify the capacity of the still the purpose or purposes for which such still shall be used and the locality house or premises where such still shall be used and set up and such person applying for the same together with two good and sufficient sureties to be approved of by such commissioner or chief inspector of distilleries shall before such license shall be granted enter into a recognizance to Her Majesty in the sum of two hundred pounds conditioned that the person named in such license will not use such still or suffer the same to be made use of for any other purpose or purposes or in any other locality house or premises than that which shall be specified in such license.

Termination of license.

XXIII. All licenses which may have been granted under the provisions of the Acts hereby repealed shall cease and determine on the thirty-first day of December next ensuing such licenses may nevertheless be renewed under the provisions of this Act and all licenses granted under this Act shall continue in force until the thirty-first day of December next following the granting thereof and there shall be paid to the Commissioner of Trade and Customs by the person obtaining such license in respect of every such license the sums respectively mentioned in the sixth schedule of this Act and upon such payment and upon the production of a certificate from the chief inspector of distilleries that all the requirements of this Act have been complied with such license shall forthwith issue to the person who shall be entitled to the same.

Renewal of licenses.

XXIV. Every license granted under the provisions of this Act may be renewed annually upon the person applying for such renewal paying to the Commissioner of Trade and Customs the sum required by this Act to be paid for the license which such person desires to renew and upon receipt of such sum by such commissioner and a certificate from the chief inspector of distilleries that all the regulations of this or of any other Act in force for the time being relating to the distillation rectifying or compounding of spirits have been complied with Provided that if the person applying for such license shall have been convicted of any offence under this Act or under any Act in force for the time being relating to distillation or shall have forfeited any recognizance under any such Act it shall not be lawful for such commissioner to grant such renewal of any former license and he is hereby expressly authorized and directed to refuse the same unless expressly required by the Governor in Council to issue such license.

Refusal or suspension of licenses.

XXV. It shall be lawful for the Commissioner of Trade and Customs to refuse to grant or to renew any license under this Act or to suspend or annul any such license upon proof being given to the satisfaction

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satisfaction of such commissioner that the provisions and requirements of this Act or any of them have been contravened or have not been fulfilled or that the chief inspector of distilleries or any other officer appointed under this Act has been obstructed or prevented from performing any part of his duty by the person applying for or holding such license or renewal thereof or by any person acting under his authority or by his direction or where from the local situation of a distillery (the license for which is required to be granted or renewed) in respect of any brewery vinegar manufactory or manufactory of cordials in the making of which spirits are used or of any store or house in which spirits are sold either by wholesale or retail it may appear to such commissioner inexpedient to grant such license.

XXVI. It shall not be lawful for any person who shall be the owner or part owner or who has any interest or share in a distillery or in any premises or concerns used for rectifying or compounding spirits nor for any maker of wine the produce of his own vineyard licensed to use a still nor for any medical practitioner or chemist licensed to use a still nor for any person licensed to use a still for scientific or other purposes to have or to hold a license to retail spirituous or fermented liquors and in case any person who shall have obtained a license for the sale of fermented or spirituous liquors by retail shall after the obtaining of such license become the owner or part owner or have any share or interest in a licensed distillery or in any premises or concerns used for rectifying or compounding spirits such license so granted for the sale of fermented or spirituous liquors by retail shall thereupon become and be absolutely void and the party or parties continuing to sell spirituous liquors by retail after having become the owner or part owner of or after obtaining an interest or share in a licensed distillery or in any premises or concerns used for the rectifying or compounding of spirits may be prosecuted and convicted as a person selling fermented or spirituous liquors by retail without a license.

XXVII. It shall not be lawful for any person or persons who shall have obtained any such license as aforesaid or for any other person whatsoever to practise follow or use the trade or business of a brewer of ale porter beer or maker of cordials in the manufacture of which spirits are used within the premises on which there is a still for the distillation of spirits nor on any part thereof nor on any other place or premises within five hundred yards of the said premises on which there is a still for the distillation of spirits under a penalty of one hundred pounds. Provided that the Commissioner of Trade and Customs may if he think fit grant permission in writing to any person as aforesaid to carry on the trade or business as aforesaid at a less distance from the premises on which there is a still for the distillation of spirits than five hundred yards upon satisfactory proof being given to him that the carrying on such trade or business at a less distance will not be conducive to any violation of the provisions of this or any Acts relating to the revenue.

XXVIII. No other business or work except that of a distiller or that of coopering or repairing casks for the removal of spirits shall be carried on within the premises of a distiller under a penalty of twenty pounds except by the permission in writing of the Commissioner of Trade and Customs upon the certificate of the chief inspector of distilleries or other officer acting on his behalf. Provided always that it shall be lawful for the distiller to employ workmen for the necessary repairs or alterations of his premises and to have and keep a forge for the working of the iron required in such repairs or alterations.

XXIX. No license to distil or to rectify and compound spirits shall be granted or renewed unless it be certified by the chief inspector

Certain licenses to become void in certain cases.

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

No other trades allowed on the premises.

Premises to be surrounded by a wall or fence

of

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of distilleries or other person authorized under this Act that the premises within which the business of distillation is to be carried on are properly and sufficiently fenced walled or otherwise secured to his satisfaction.

Regulation as to windows in distilleries.

XXX. Every licensed distiller shall cause windows or convenient apertures to be made in every licensed distillery for the admission of sufficient light into every part thereof and no license shall be granted or renewed until it be certified by the chief inspector of distilleries or other officer that sufficient light has been admitted into the building and every such licensed distiller shall cause lamps or lights to the satisfaction of the officer on duty to be lighted and kept burning at all hours between sunset and sunrise during such times as the distillery shall be in operation and any distiller who shall neglect to keep such lamps or lights burning as aforesaid shall be liable to a penalty of ten pounds.

Ladders, lights and assistance to officer on duty.

XXXI. Every licensed distiller shall on the demand of the chief inspector of distilleries provide strong safe and sufficient ladders which shall be so placed as to enable the officer on duty to ascend to and examine and descend into any vessel or utensil used in such distiller's premises and if such ladders are not provided or if any such ladder shall not be fixed or placed at or in any part of such vessel or utensil which such officer shall require or if sufficient light be not furnished in addition to the lighting of the distillery hereinbefore mentioned and sufficient assistance shall not be supplied by such licensed distiller or his servants to such officer in performing every part of his duty as well by day as by night every such distiller in whose distillery any such neglect or offence shall take place shall be liable for every such neglect or offence to a penalty of one hundred pounds.

Rubbish, &c. to be removed by distiller.

XXXII. No rubbish shall be deposited upon the premises of any distillery and all materials required for the distillery shall be deposited in a building appropriated for the reception of the same as hereinbefore provided except coal and fuel and all coal or fuel shall be so placed as not to obstruct the view of the premises and all rubbish and any materials including coal or fuel which may in any way obstruct the view of the officers or conceal from view any part of the process going on in the distillery shall be removed by and at the expense of the distiller by order of any inspector of distilleries and be placed beyond the premises of the distillery and if any distiller shall neglect to conform to the provisions of this clause or fail forthwith to remove any such rubbish or materials including coal or fuel as aforesaid when required so to do by any inspector of distilleries he shall be liable to a penalty of twenty pounds for every such offence.

Office for the inspector.

XXXIII. Upon the premises of every distillery there shall be an office fit and proper for the safe custody of the Government books accounts and instruments and convenient for the accommodation of the officer on duty and upon obtaining his license the distiller shall deliver the key and give over possession of the said office to the chief inspector of distilleries and the said distiller shall thereby relinquish all right to the occupancy of the said office so long as he shall hold a license or there shall remain in the certified and registered store of the premises for which the license is granted any spirits upon which the duty has not been paid and any distiller failing to comply with the provisions of this clause shall be liable to penalty of one hundred pounds and every distiller licensed as aforesaid for any distillery not being situated in a town or city or within one mile thereof shall provide (if required so to do by the Commissioner of Trade and Customs or chief inspector of distilleries) fit and proper lodgings or rooms for the residence of the
officer

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officer or officers who may from time to time be placed in charge of such distillery at some convenient situation to be approved of by the chief inspector of distilleries and at reasonable cost not exceeding fifty pounds per annum. And if any person so licensed shall refuse or neglect to provide such lodgings as aforesaid it shall be lawful for the Commissioner of Trade and Customs to suspend revoke or annul the license so granted under the provisions of this Act.

XXXIV. Before any such license for the distillation of spirits be granted or renewed it shall be certified by the chief inspector of distilleries or other person appointed under this Act that there is erected upon the premises for which a license is sought to be obtained a cellar or store room in which spirits when distilled shall be deposited that it is a solid building of stone or brick ceiled in the inside with mortar made of lime and sand that each and every window is secured with iron bars not less than one and a half inch square or one and a half inch in diameter and the whole opening secured with strong close wire netting securely fixed to the satisfaction of the person granting the certificate that there is but one door or entrance to the said store that the said door is of solid construction that it is provided with the means of being secured by three locks of which two shall be furnished and the keys thereof kept by an officer appointed under this Act and one lock furnished and the key kept by the distiller that the vats destined for the storing of spirits within such cellar or store-room are elevated at least two feet from the ground that they are so placed that the whole exterior surface and the bottom of each are open to inspection and that the said cellar or store-room is in every respect in good repair and sufficiently secure for the purposes of this Act.

Spirit store to be certified.

XXXV. A particular description of the certified cellar or store room for the reception of spirits when distilled shall be made and registered by the chief inspector of distilleries in the form set forth in the seventh schedule to this Act or in words to the like effect and kept by him with the other records of his office and all spirits found in any place on the premises except in the said cellar or store room so registered or or in the vessels or utensils and in the manner hereinafter provided shall be forfeited and may be seized by any inspector of distilleries and the distiller on proof of spirits being found in any other place or part of the premises shall be liable to a penalty of forty shillings for every gallon of spirits so found.

Spirit cellar or store room to be registered.

XXXVI. Before any such license for the distillation of spirits be granted or renewed (should it be deemed necessary by the Commissioner of Trade and Customs) it shall be certified by the chief inspector of distilleries or other person appointed under this Act that there is erected upon the premises for which a license is sought to be obtained a store or stores for the reception of sugar treacle molasses malt grain or other material whatsoever which may be intended to be used in the process of distillation that such store or stores is or are properly and securely fixed to the satisfaction of the person granting the certificate that there is but one door or entrance to such store that the door is of solid construction and that it is provided with the means of being secured by three locks of which two shall be supplied and the keys kept by an officer appointed under this Act and one lock furnished and the key kept by the distiller.

Store for materials to be certified.

XXXVII. A particular description of the said certified store for the reception of sugar treacle molasses malt grain or other material which may be used in the process of distillation shall be made and registered by the chief inspector of distilleries in the form set forth in the seventh schedule to this Act annexed or in words to the like effect and kept by him with the other records of his office and all sugar treacle molasses

Store for materials to be registered.

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molasses malt grain or other material capable of fermentation or which may be used as aforesaid found in any part of the premises except in the certified store so registered shall be forfeited and may be seized by any inspector of distilleries and the distiller on proof of any such material being found in any other part of the premises except in the manner hereinafter provided shall be liable to a penalty of forty shillings for every hundredweight of material so found.

Regulation of material store.

XXXVIII. The said certified and registered store for the reception of material to be used in the process of distillation may be opened for the purpose of admitting such material between the hours of eight in the morning and four in the afternoon only and all such material previously to such admission into the said store shall be weighed by the distiller or his servants in the presence and to the satisfaction of an inspector of distilleries who shall take an account thereof and the said store shall be opened for the delivery of such material for the purpose of mashing between the hours only of six in the morning and three in the afternoon and immediately after such delivery such material shall be weighed by the distiller or his servants in the presence and to the satisfaction of an inspector of distilleries who shall take an account thereof and the material so weighed shall within one hour thereafter be conveyed into the underback or mash tun of the distillery and any such distiller offending herein or failing or refusing to provide the necessary assistance for weighing such material shall forfeit and pay the sum of fifty pounds.

Provisions of Act to be complied with before license renewed.

XXXIX. No license to distil spirits except as hereinbefore provided shall be granted or renewed unless it be certified by the chief inspector of distilleries or other officer appointed by the Governor that the several vessels hereinafter enumerated and described are erected on the premises for which a license is sought to be obtained and that the provisions hereinafter expressed with regard to their arrangement have been complied with and every person applying for such license shall erect and keep the several vessels hereinafter enumerated and in the manner and for the purposes hereinafter to be described that is to say—One vessel to be called a wash charger one other vessel to be called a low wines receiver one other vessel to be called a low wines charger one other vessel to be called a feints charger two other vessels to be called feints receivers and one other vessel to be called a spirits' receiver Provided always that it shall be lawful for a distiller to have one intermediate still charger in connexion with each charger.

Description of wash charger;

XL. Every such wash charger as aforesaid shall be a close covered vessel the capacity or content of which shall not be less than that of the largest fermenting wash back and every such wash charger shall be connected with the wash still by one close metal pipe having a cock or cocks thereon one end of which pipe shall be fixed into the bottom of such wash charger and the other end thereof shall be fixed into such still and to such wash charger there shall be one other close metal pipe having a cock thereon one end of which pipe shall be fixed into the pipe or trough communicating with the fermenting wash backs and the other end of such pipe shall be fixed into such wash charger and such wash charger shall not have any communication with any other vessel or utensil whatever and every such low wines receiver as aforesaid shall be a close covered vessel with a pump or pipe fixed thereto for the conveyance of low wines from such receiver into the low wines and feints charger and there shall be one close metal pipe externally visible for its whole length attached to and leading directly from the safe at the end of the worm of the wash still and fixed to every such low wines receiver

low wines receiver;

receiver

Distillation.

receiver so that all low wines running into such pipe from such safe shall immediately be discharged therefrom into such low wines receiver which receiver shall be of sufficient capacity as to contain the entire running and produce of low wines from the largest wash back and shall not have any communication with any vessel or utensil whatsoever except as aforesaid and every such feints receiver as aforesaid shall be a close covered vessel with a pump or pipe fixed therein for the conveyance of feints from such receiver into the low wines and feints charger and there shall be one close metal pipe externally visible for the whole length attached to and leading directly from the safe at the end of the worm of the low wines or spirit still, and fixed into every such feints receiver so that all feints running into such pipe from such safe shall immediately be discharged therefrom into such feints receiver which receiver shall not have any communication with any vessel or utensil whatsoever except as aforesaid and every such low wines and feints charger as aforesaid shall be a close covered vessel connected with the low wines or spirit still by a close metal pipe having a cock or cocks thereon one end of which pipe shall be fixed into the bottom of such charger and the other end shall be fixed into such still and each such charger shall have communication with the low wines and feints receivers respectively by means of close metal pipes one end whereof respectively shall be fixed to each such charger and the other end whereof shall be attached to the pump or pumps pipe or pipes to be fixed as aforesaid to the low wines receiver and feints receiver respectively and such charger shall not have any communication with any other vessel or utensil whatsoever except as aforesaid and every such spirit receiver as aforesaid shall be a close covered vessel with a pump or pipe fixed thereto for the conveyance of spirits from such receiver into the spirit vats in the certified and registered store for the reception of spirits and there shall be one close metal pipe externally visible for the whole length attached to and leading directly from the safe at the end of the worm of the spirit still and fixed into such spirit receiver in such manner as that all spirits running therein from such safe shall run directly and be discharged therefrom into such spirit receiver without resting in the said pipe and every intermediate still charger (if such vessel be used) shall be a close covered vessel and shall be so constructed as to have no hole or opening therein nor any communication with any other vessel or utensil whatever except one fixed entrance pipe with a cock thereon leading from any such wash charger or low wines and feints charger and one fixed discharge pipe with a cock thereon leading from such still charger to any such still and that each and every such charger and receiver shall be erected and kept in a convenient and public situation in the still house or to the approbation of the chief inspector of distilleries and exposed to open view and easy of access and inspection on all parts thereof and that each such charger and receiver respectively shall have a sufficient cover thereon with a rectangular dipping hole cut in such cover not more nor less than an inch square and in which dipping hole there shall be placed a dipping rod to be provided by the distiller and if any charger or receiver shall be made use of in any distillery which shall not be erected kept and constructed in manner herein directed or which shall have any hole therein except a trap door in the cover thereof properly secured by the officer and a dipping hole as aforesaid or if any pipe or cock as aforesaid shall be made use of which shall not be placed kept and constructed in manner herein directed or if there be any communication with any other vessel or utensil whatsoever other than as by this Act is required authorized and

feints receiver ;

low wines and feints
charger ,

spirit receiver.

Distillation.

and allowed then and in every such case such distiller shall forfeit and pay the sum of two hundred pounds and also the sum of twenty pounds for every day during which such charger or receiver or pipe or cock not strictly in accordance with the provisions of this clause shall remain in the distillery of such distiller.

Return of gauges.

XLI. Every distiller or rectifier and compounder of spirits shall immediately on obtaining his license or a renewal thereof or not later than the seventh day thereafter furnish to the chief inspector of distilleries a return in writing signed by him of every tun back charger still receiver vat or other vessel or utensil on the premises in respect of which he may be licensed which return shall also set forth a correct statement of the content in imperial gallons in each and every vessel or utensil as above enumerated as well as the number of imperial gallons that every inch of the height thereof is respectively capable of containing and in respect of vessels intended to contain spirits the number of imperial gallons that every inch and tenth of an inch of the height thereof are respectively capable of containing and such return shall not be held to be a lawful return until it shall have been verified by actual admeasurement and countersigned by two inspectors of distilleries and the said return so furnished shall be kept and registered by the chief inspector of distilleries and vessels or utensils found on the said premises which shall not be stated and mentioned in the said return shall be liable to be seized by any inspector of distilleries or other person appointed as aforesaid and any distiller who shall commence the operation of making or brewing worts or any rectifier who shall rectify any spirits before the provisions herein contained shall have been complied with shall be liable to a penalty of one hundred pounds. Provided that the chief inspector of distilleries may upon sufficient reason being assigned permit a re-gauge of such vessels to be made and the result of such regauge upon being verified as aforesaid shall be taken to be the true contents of such vessels so regauged and which re-measurements shall be registered as aforesaid.

Underground pipes to be enclosed in wooden cases

XLII. Where any pipe or tube used in any distillery shall pass below the ground such pipe or tube shall be enclosed in a wooden case so constructed as to admit of its being opened and the pipe or tube exposed to view at the demand of any inspector of distilleries and any distiller who shall fail to comply with the provisions herein contained shall be liable to a penalty of two hundred pounds.

Ends of tail pipes to be secured

XLIII. The end of every tail pipe belonging to every still of every distiller or rectifier or compounder of spirits shall be enclosed and secured at the expense of the distiller or rectifier or compounder of spirits in such manner and by such mechanism and means as the chief inspector of distilleries may direct and all spirits low wines and feints running from such tail pipe shall run into a safe enclosed and secured in manner as aforesaid and shall be thence conveyed by a pipe open externally to the inspection of the officers for its whole length into the spirits receiver or low wines or feints receiver or receivers as the case may be and if upon demand by the chief inspector of distilleries the end of every such tail pipe shall not be secured by such mechanism and means as shall be so directed or if the whole of the spirits low wines and feints coming from any such tail pipe shall not be run into such safe so enclosed and secured as aforesaid or if such spirits low wines and feints respectively and every part thereof shall not be conveyed from such safe into the spirits receiver or low wines or feints receiver or receivers as the case may be directly and by such pipe as aforesaid or if on the demand of the proper officer all the expenses incurred by providing

Distillation.

providing and repairing or altering such mechanism or means of enclosing the end of such tail pipe and safe as aforesaid shall not be paid by or on behalf of such distiller or rectifier to such officer or if such mechanism and means of enclosing the end of such tail pipe and safe as aforesaid shall not be affixed and kept and preserved affixed as aforesaid or if at any time after the end of any such tail pipe and any such safe may have been enclosed and secured as aforesaid the mechanism or means by which the same shall be so enclosed and secured as aforesaid or any part thereof shall be destroyed or injured or if by any art or contrivance any access shall be gained or had without notice to and except with the knowledge and in the presence of an inspector of distilleries to any spirits low wines or feints from the time of the extraction or distillation thereof until the same have been taken account of by the proper officer in the proper receiver or receivers or if the officer shall be in any manner hindered prevented from or obstructed in the taking a true account of any spirits low wines or feints in any vessel whatsoever then and in every such case the distiller shall for every such offence be liable to a penalty of two hundred pounds.

XLIV. Every distiller shall provide and fix to the satisfaction of the chief inspector of distilleries a proper discharge cock or plug and plug-hole in every fermenting wash back through which cock or plug-hole the wash in such wash back shall from time to time be conveyed by a main pipe or open trough into the wash charger and such main pipe or trough shall be placed and fixed in such manner that all wash or liquor put therein shall forthwith run and be discharged from thence into such wash charger and not elsewhere except by a sewer cock fixed on such main pipe and properly secured and fastened and there shall not be any other pipe or conveyance entering into or passing out of any such wash fermenting back except the pipe or trough for conveying wort into such fermenting back from the coolers and if such discharge cock or plug shall not be provided and fixed as aforesaid or if such main pipe or open trough shall not be placed and fixed as aforesaid or if there shall be any other pipe conveyance or cock to or from any fermenting back except as aforesaid then and in every such case such distiller shall be liable to a penalty of two hundred pounds. Provided always that nothing herein contained shall prevent any distiller from placing any close metal pipe or pipes in but not opening into any wash back for the purpose of conveying through such back hot or cold air or water for the purpose of promoting or retarding the fermentation of the worts or wash contained in such back.

XLV. The pipes troughs sluices or cocks for the conveyance of worts into the fermenting backs of every distillery shall be secure and staunch so that there shall be no leakage therefrom and any distiller who shall fail to repair and make secure and staunch any such pipe trough sluice or cock within twenty-four hours after receiving notice in writing to that effect from the officer on duty shall be liable to a penalty of one hundred pounds.

XLVI. Every distiller or rectifier shall at his own expense and charge provide maintain and keep in repair the several utensils cocks pumps pipes and troughs which are required by this Act and shall also provide maintain and keep in good repair and at his own expense and charge proper and sufficient fastenings to the satisfaction of the chief inspector of distilleries or other officer appointed by the Governor for securing the several cocks and plugs required by this Act to be secured and for securing the covers of or belonging to the chargers and receivers hereinbefore mentioned respectively and also for securing the furnace doors

Discharge cocks of the fermenting back.

Pipes, &c. to be staunch.

Utensils, &c., to be kept in repair.

Distillation.

doors pumps safes pipes vessels and utensils permitted allowed or required for the purposes mentioned in this Act and shall paint or cause to be legibly painted and shall keep or cause to be kept so painted upon some conspicuous part of every fixed utensil intended to be used in the distillery of such distiller or rectifier and on the outside of the door of every store apartment or place wherein any part of the business of such distillery is to be carried on or wherein any materials for distilling or rectifying spirits are to be kept or stored or any spirits are to be kept or stored separate numbers relating to each and every such utensil store apartment or place in arithmetical progression beginning with number one together with the name of such utensil store apartment or place according to the purpose for which the same is intended to be used and which numbers shall correspond with the plan hereinbefore required to be furnished and every distiller or rectifier failing herein shall be liable to a penalty of one hundred pounds.

Dipping holes.

XLVII. At or near the top of every fermenting wash back and at or near the top of every charger or receiver and of every vat for storing or keeping spirits in the premises of any distiller there shall be an opening or dipping place at which the officer may conveniently take his dip or gauge of the contents of such vessel and all such backs and vessels respectively shall be placed and kept in convenient situations and shall be at all times easy of access to the officer for his more readily and effectually inspecting and examining them in every part and taking the dip or gauge thereof and if in any such back or vessel there shall not be such opening or dipping place so constructed and secured as aforesaid or if any such back or vessel shall not be placed and kept in a convenient situation and easy of access to the officer as aforesaid or if the officer shall at any time by any means whatever or in any manner whatever be prevented from ascertaining the quantity and gravity or either of them of any wort or wash or the quantity or strength of any low wines feints or spirits then and in every such case such distiller offending therein shall be liable to a penalty of two hundred pounds.

Vessels, &c. not to be altered.

XLVIII. If the size situation or position of any vessel utensil or pipe shall be in any manner altered at any time after such return or plan as is required by this Act shall have been made or given thereof unless on such notice as is herein provided then in each and every such case such distiller or rectifier offending therein shall be liable to a penalty of two hundred pounds Provided that it shall and may be lawful for such distiller or rectifier to alter the size situation or position of any such vessel or utensil or pipe or to erect and set up any new vessel utensil or pipe on receiving permission in writing from the chief inspector of distilleries to make such intended alteration specifying the particular vessel utensil or pipe and the size situation or position which is intended to be altered and making return of such new vessel utensil or pipe in manner hereinbefore mentioned and conforming in all respects to the regulations in this Act contained in that behalf.

Notice book.

XLIX. The chief inspector of distilleries shall provide a book to be called a notice book to be kept in every distillery or rectifying establishment by the distiller or rectifier as the case may be or by their servants and before any notice or declaration by this Act required to be given or delivered shall be so given or delivered an entry shall be made in such book stating the particulars of all such notices and declarations and such book shall at all times on demand be delivered to an inspector of distilleries at the distillery or rectifying establishment and if any distiller or rectifier or any person on his behalf to whom any such book shall be tendered shall refuse to receive the same or if the particulars of

Distillation.

of all such notices or declarations respectively shall not be inserted in such book or if any untrue entry shall be made therein or if such book or any entry therein shall be defaced obliterated or altered by any such distiller or rectifier or by any person employed in the distillery or rectifying establishment or if such book shall not at any time be delivered to any inspector of distilleries on his demanding the same then and in every such case such distiller or rectifier shall be liable to a penalty of two hundred pounds.

L. Any notice or declaration which shall be given or served by or on behalf of any distiller or rectifier upon any person upon whom the same ought to be given or served shall according to the true intent and meaning of such notice and declaration be taken to be good and effectual as against such distiller and rectifier although such notice or declaration shall not be in the form or shall not contain the several particulars or shall not be given or served on the person within the time by this Act prescribed or appointed for giving or receiving the same and upon the trial of any information or other proceeding relating to or in any manner touching or concerning any such notice or declaration it shall not be competent to or for such distiller or rectifier to allege any imperfection or defect in any such notice or declaration or in giving or serving the same.

Entries in notice book how to be effectual.

LI. From and after the passing of this Act it shall not be lawful for any distiller to commence mashing without having first served a written notice of at least sixteen hours on the officer on duty specifying therein the back or backs which he intends to set up and the kind of material and the weight thereof which he intends to use during the twenty-four hours next following on the expiration of the said sixteen hours and similar notice shall be given from day to day of every such mashing and no distiller having made use of malt grain or other material than sugar treacle and molasses in his distillery for the purpose of distillation shall use sugar treacle or molasses for the purpose of distillation nor shall make the same into wort or wash without having first served a written notice of at least fourteen days on the chief inspector of distilleries nor until all worts or wash previously made from malt grain or other material as aforesaid shall have been distilled and all the produce thereof shall have been deposited in the certified and registered store in such manner as the chief inspector of distilleries shall direct nor shall resume the washing or fermenting of worts or wash from malt grain or material as aforesaid without a like notice of fourteen days as aforesaid nor until the produce of worts or wash made from sugar treacle or molasses be distilled and the produce thereof deposited as hereinbefore directed and if any distiller shall commence mashing without having given such notice he shall be liable to a penalty of one hundred pounds Provided that for every day after the first day a notice of at least six hours shall be sufficient instead of sixteen.

Notice of mashing.

LII. It shall not be lawful for any distiller to add to the worts contained in any fermenting back any composition for exciting fermentation except after having served one hour's notice thereof to the officer on duty and in the presence of such officer and in any quantity not exceeding the proportion of ten gallons of any such composition to one hundred gallons of any such worts and any distiller offending against the provision herein contained shall be liable to a penalty of two hundred pounds Provided that at any time before the declaration of the specific gravity first hereinafter mentioned it shall be lawful for the distiller to make use of spent wash in the preparation of worts.

As to yeast and spent wash.

LIII. Before

Distillation.

Notice of setting up
backs.

LIII. Before any worts shall be conveyed from the cooler into any fermenting back or backs the distiller shall give notice thereof to the officer on duty which notice shall specify the back or backs which are intended to be filled or set up and any distiller failing herein shall be liable to a penalty of fifty pounds.

Declaration of the
highest specific
gravity, &c.

LIV. Within twenty-four hours after any worts shall have been conveyed into the cooler the distiller or his servant shall deliver to the officer on duty a declaration specifying the number of the back or backs into which such wort shall have been conveyed and the specific gravity of such wort in such back or backs and the quantity thereof that is to say the number of inches not occupied or wetted by the worts being the space between the upper edge on the dipping place of such back or backs and the surface of the worts and if any worts shall be conveyed into and collected in any fermenting back or backs in any other manner than as is herein directed or if any untrue declaration shall be given or if such declaration shall not be given as is herein required then and in every such case the distiller shall be liable to a penalty of two hundred pounds.

Increase of specific
gravity, or quan-
tity.

LV. If at any time beyond six hours after any such declaration as aforesaid shall have been delivered the specific gravity of any such worts or wash shall be found to exceed the specific gravity specified in such declaration by five per centum or if the quantity of any such worts or wash shall be found to exceed by five per centum the quantity of wort mentioned in such declaration as the quantity collected as aforesaid then and in every such case the distiller shall be liable to a penalty of two hundred pounds.

And proceedings
therein.

LVI. If at any time after any inspector of distilleries shall have taken an account of and ascertained the specific gravity and quantity of any wort or wash in any fermenting back any wort shall be found in such back or any wash in process of fermentation shall be found in such back which shall exceed in gravity by five per centum or more the wort or wash in such back of which such account had been taken or which shall exceed in quantity by five per centum or more the wort or wash in such fermenting back of which such account had been previously taken all such wort or wash in such back shall be considered as new wort or wash and not included in any former charge against the distiller in whose possession such wort or wash shall be found and such distiller shall be charged with duty in respect of the whole wort or wash in such back in like manner as such distiller is by this Act chargeable in respect of any wort or wash not before charged and the wort or wash of which such account had been previously taken in such back shall be deemed to be distilled or decreased and the distiller shall be charged for a quantity of spirits in respect of such wort or wash so deemed to be distilled or decreased in like manner as such distiller is chargeable under this Act for any wort or wash actually distilled or decreased and such distiller shall also for every such offence be liable to a penalty of two hundred pounds.

Course of wash
through the dif-
ferent vessels.

LVII. All wash which shall be made in the distillery of any distiller shall be fermented in the fermenting wash backs of such distiller and shall be conveyed directly from thence into the wash charger and shall be conveyed from such charger into the wash still there to be made or distilled into low wine and all low wines shall be conveyed directly from the safe at the worm end of the still into the low wines receiver and shall from thence be pumped up or conveyed into the low wines charger and shall be conveyed directly from such charger or chargers into the low wines or spirits still there to be re-distilled and all
feints

Distillation.

feints or spirits produced by such re-distillation shall be conveyed directly from the safe at the worm end of the low wines or spirit still into the feints receiver or spirit receiver respectively and so much of such feints as shall be conveyed into such feints receiver or receivers shall be pumped or conveyed directly from thence into the low wines' charger or feints' charger and shall be conveyed directly from such charger or chargers into the low wines still to be re-distilled and the produce of the last mentioned re-distillation and of every other re-distillation shall in like manner be conveyed directly from the safe at the worm end of the low wines or spirit still into the spirits' receiver or into the feints' receiver or receivers and no feints conveyed into such feints' receiver or receivers shall in any case be removed from thence except by pumping or conveying such feints into the low wines or feints charger or chargers from whence such feints shall be conveyed directly into the low wines still or stills for re-distillation until the whole of such feints shall be made into spirits and conveyed and run into the spirit receiver and no spirits conveyed into the spirit receiver shall be re-distilled or shall be removed from such receiver except into the vat or vats in the said certified and registered store for the reception of spirits and if any distiller shall ferment or suffer to be fermented any wash or shall remove or distil or suffer to be removed or distilled any wash low wines feints or spirits contrary or otherwise than according to the directions and provisions herein contained or shall not convey and run the whole of the spirits made or distilled by him into the spirit receiver such wash low wines feints and spirits respectively together with all vessels and utensils wherein the same may be contained shall be forfeited and may be seized by any inspector of distilleries and the distiller so offending shall in every case be liable to a penalty of two hundred pounds or twenty shillings for every gallon of such wash low wines feints or spirits so removed or distilled and not conveyed and run into the spirit receiver at the election of the chief inspector of distilleries or person who shall inform or sue for the same.

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

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

LIX. If at any time it shall be made to appear to the satisfaction of the chief inspector of distilleries that any spirits distilled have become impure from having passed through pipes or vessels which have become foul it shall be lawful for such chief inspector by writing under his hand to permit the redistillation of such impure spirits and to make an allowance for loss arising from such redistillation. Provided that in no case shall such allowance exceed two per centum on the number of gallons of spirits delivered out of the cellar or store-room hereinbefore mentioned for such redistillation.

Impure spirits may be redistilled

LX. If the wash charger in any distillery be not thoroughly cleaned out when required so to be done by notice from the chief inspector of distilleries the licensed distiller shall be liable to a penalty of fifty pounds.

Wash charger to be cleaned out.

LXI. One hour before any wash shall be conveyed from any fermenting wash back in the distillery of any licensed distiller a notice in writing shall be given to the officer on duty by such distiller or by any person on his behalf in which notice shall be stated the number of the back in which such wash is contained the specific gravity of such wash

Notice of charging the wash charger.

Distillation.

wash and the day and hour when such wash is to be removed and such officer shall attend at the time specified in such notice and after he shall have locked the charging cock of the wash charger he shall remove all such fastenings as to prevent the conveyance of such wash from any back mentioned in such notice into the wash charger and thereupon all the wash which shall be contained in such fermenting wash back shall be conveyed into such charger in manner hereinbefore prescribed and such officer after having affixed and secured the fastenings which he had so removed shall be at liberty and is hereby authorized to take an account of the true quantity and specific gravity thereof in the wash charger and shall thereupon unlock the charging cock aforesaid and if any wash shall be removed before such notice shall have been given or shall be removed or conveyed from any other back or at any other time or manner than shall have been mentioned in such notice or before the officer on duty shall have locked removed or secured respectively such cocks or fastenings as before mentioned and taken account of the true quantity of the wash in such charger such distiller shall in every such case be liable to a penalty of two hundred pounds.

Officer may lock coverings, &c.

LXII. It shall and may be lawful for any inspector of distilleries on duty at any distillery to lock secure and fasten the several coverings fastenings furnace doors cocks safes pipes pumps plugs troughs vessels and utensils for which fastenings are required to be provided in such manner as the chief inspector of distilleries may direct as aforesaid and to keep the same and each and every of them so locked secured and fastened at all times except when they shall be opened unfastened or unlocked by or in the presence of any inspector as aforesaid.

Officer may empty worm-tubs.

LXIII. Whenever any inspector or other officer of distilleries having reason to suspect that any fraud is practised against the revenue or the provisions of this Act or of any Acts which may hereafter be in force relating to distilleries shall require that the water contained in any worm tub belonging to any still at any time when such still shall not be at work shall be drawn or run off and the tub and worm cleaned by the distiller or rectifier his servants or workmen and if the water shall not be so drawn or run off at the request of such officer and the tub and worm forthwith cleaned and the water kept and continued out of such worm and tub for the space of two hours or until the officer has finished his inspection and examination of such tub and the worm therein the distiller or rectifier at whose distillery such worm tub shall be situate shall be liable to a penalty of two hundred pounds and it shall be lawful for such officer to draw or run off and keep drawn or run off such water or so much thereof and for so long time as he shall think necessary.

Officer may distil a sample.

LXIV. It shall and may be lawful for any officer and he is hereby authorized and empowered to take and convey away from any wash back or charger in the distillery of any distiller a sample not exceeding the quantity of twenty gallons of the wash contained in such back or charger and to cause such sample of wash to be distilled into low wines in any still provided for that purpose by the sanction of the Commissioner of Trade and Customs and such officer shall gauge or measure the quantity and ascertain the strength of the low wines produced by the distillation of such wash. Provided that such distiller shall be paid for any such sample of wash at the rate of six pence for every gallon thereof or that the produce by distillation of any such sample of wash shall be returned to the distiller at the option of the chief inspector of distilleries.

LXV. It

Distillation.

LXV. It shall be lawful for any inspector of distilleries from time to time and whenever and as often as such inspector shall deem expedient so to do to take any sample or samples of any wort wash low wines feints and spirits respectively in any back still receiver charger or other vessel or utensil whatsoever in the distillery of any distiller in order that such officer may ascertain the specific gravity or strength of such worts wash low wines feints and spirits respectively and from such part of any such back still receiver charger or other vessel or utensil as the officer shall think proper and the specific gravity or strength of any such sample so taken shall be and be held to be the true and correct specific gravity or strength of the whole contents of the back still receiver charger or other vessel or utensil from which any such sample shall be so taken. Provided that before any such sample shall be so taken all the liquor contained in any such back still receiver charger or other vessel or utensil may be stirred and mixed up and mixed together by such distiller or any person in the employ of such distiller if he shall think fit so to do.

Officer may take samples and make trials.

LXVI. It shall be lawful for the chief inspector to erect and keep a still in any distillery or in any place sanctioned by the Commissioner of Trade and Customs for the purpose of distilling any such sample of wash as aforesaid and also for the purpose of distilling into spirits any wash low wines or feints seized by any inspector of distilleries at any unlicensed distillery or for carrying on experiments.

Chief inspector may erect a still.

LXVII. It shall be lawful for the chief inspector of distilleries or for any inspector of distilleries at any time to require that any low wines receiver in the distillery of any distiller shall be emptied and cleaned out and that any quantity of wash shall be conveyed into any wash still in the distillery of such distiller and from any such wash back as such officer shall direct or require in order that such wash may be forthwith distilled into low wines and all persons in the employ of such distiller shall on reasonable notice give and provide aid and assistance and fuel to such officer at his request in distilling such wash into low wines and in conveying the whole of such low wines directly into such low wines' receiver which shall be so cleaned out and such low wines shall be kept in such receiver unmixed with any matter or thing whatsoever until such officer shall have taken an account of the quantity and strength of such low wines and if such low wines' receiver shall not be emptied and cleaned out or if such wash shall not be conveyed into such wash still or from such wash back as shall be required by such officer or if such aid and assistance and fuel shall not be given to such officer in the distilling such wash into low wines or in conveying the whole of such low wines into such receiver or if such low wines shall not be kept in such receiver unmixed as aforesaid until such officer shall have taken such account as aforesaid then and in every such case every such distiller shall for each default or offence be liable to a penalty of two hundred pounds.

Chief inspector may superintend the distillation of a charge of wash.

LXVIII. It shall not be lawful for any distiller to have receive and to commence distilling from any wine ale beer or any fermented liquor whatsoever which shall not have been brewed or made in his distillery without first having served a written notice of at least two days on the chief inspector of distilleries or the officer on duty of his intention so to do which notice shall specify the description and quantity of such liquor as aforesaid which he intends to use in the twenty-four hours next following on the expiration of the said two days and a notice of six hours to the like effect shall be served on the officer on duty from day to day for every day after the first day and any distiller offending herein shall be liable to a penalty of two hundred pounds.

Notice of distillation from wine, ale, &c.

LXIX. It

Distillation.

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

LXIX. It shall not be lawful for any distiller to mix or suffer to be mixed in any charger still receiver or vat or in any vessel or utensil whatsoever any worts or wash made or fermented in his distillery or any low wines feints or spirits produced therefrom with any wine ale beer or any fermented liquor whatsoever which shall not have been fermented or made in his distillery or with any low wines feints or spirits produced therefrom and any distiller offending against the provisions of this enactment shall forfeit and pay the sum of two hundred pounds. Provided that nothing herein contained shall be construed to prevent any licensed distiller from adding as hereinafter provided spirits made elsewhere for the purpose of imparting a flavor to any spirits made by such distiller.

Saccharometers.

LXX. Any saccharometers may be used for ascertaining the specific gravity of wort or wash under this Act which may from time to time be prescribed for that purpose by the Commissioner of Trade and Customs and every degree of specific gravity to be ascertained by any saccharometer under the provisions of this Act shall be calculated in the following manner that is to say that distilled water being assumed as unity at the temperature of sixty degrees by Fahrenheit's thermometer every degree of such specific gravity shall be correspondent to a thousandth part of the specific gravity of such water and all wort or wash shall for the purposes of this Act be deemed and be taken to be of the specific gravity at which the said saccharometer shall on the application thereof denote or indicate such wort or wash to be.

Hydrometer.

LXXI. All spirits shall be deemed and taken to be of the degree of strength indicated by the description of hydrometer usually known as Sykes's hydrometer. Provided that it shall be lawful for the Governor in Council by notice in the *Government Gazette* to direct that the quantity of alcohol contained in any wines or spirits shall be ascertained by the instruments known as Field's patent alcoholmeter or by any other improved instrument which the said Governor in Council shall in the manner abovementioned prescribe.

No mashing or distilling on the Lord's day.

LXXII. If any material capable of fermentation shall be brewed or mashed or if any still shall be made use of in the distillery of any distiller licensed under this Act during any part of the Lord's Day such distiller in each and every such case shall be liable to a penalty of fifty pounds.

Rate of duty.

LXXIII. From and after the commencement of this Act there shall be paid levied and collected towards the consolidated revenue of Victoria a duty of six shillings upon every gallon of spirits that may be distilled in Victoria from malt grain roots grapes or wine and a duty of eight shillings upon every gallon of spirits that may be or has been distilled in Victoria from sugar treacle molasses or from wort wash or spent wash with which sugar treacle or molasses has been made or mixed or from beer or ale and such duties respectively shall be paid upon the gallon standard measure of spirits of the strength of proof by Sykes's hydrometer and so in proportion for any greater or less strength than proof and also upon any deficiencies ascertained in the manner hereinafter directed.

Modes of charging duty.

LXXIV. At the expiration of every month and not later than the tenth day of the month next thereafter ensuing a computation shall be made and a copy thereof served on the distiller by the chief inspector of distilleries or by an inspector of distilleries.

1st. By quantity of spirits produced.

First.—Of the quantity of spirits computed at proof made by the distiller during any such period of one month from worts or wash mashed fermented or made in his distillery together with

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with the quantity of proof spirits in and equivalent to the low wines and feints remaining on hand at the termination of such period after making an allowance on such low wines and feints of not more than two and a half per centum and from the quantity so ascertained shall be deducted a quantity of proof spirits equivalent to that of the feints or low wines which may have remained on hand after making the allowance aforesaid at the end of the previous month and which may have been included in the account of spirits feints and low wines then taken.

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

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

Third.—Of the quantity of proof spirit which ought to have been produced from the worts or wash mashed fermented or made in the distillery of any distiller according to the respective rates hereinafter expressed and as the case may require after making an allowance on the quantity of spirits ascertained by such computation of not more than three per centum that is to say for and in respect of every one hundred gallons of worts or wash which shall be mashed fermented or made in the distillery of any distiller from malt or grain or any mixture of malt with grain it shall be lawful to compute a quantity of proof spirit at the rate of one gallon of proof spirit for every five degrees of specific gravity of such worts or wash which shall have been attenuated that is to say for every five degrees of difference between the highest specific gravity of such worts or wash as declared by the distiller or as appearing on any account taken thereof by the proper officer pursuant to this Act previously to the distillation of such worts or wash and for and in respect of every one hundred gallons of worts or wash which shall be mashed fermented or made in the distillery of any distiller from sugar molasses or treacle at the rate of one gallon of proof spirit for every four and one-half degrees of specific gravity attenuated and ascertained in manner aforesaid and for the purpose of ascertaining what proportion of wort is made from sugar and what proportion from other materials than sugar (should a mixture of sugar and other materials than sugar be used for the purpose of distillation) it shall be calculated that the quantity of sugar necessary to make one gallon of wort at the gravity specified in the declaration aforesaid is the quantity in pounds weight avoirdupois of solid extract per imperial gallon as indicated by the saccharometer and such tables as are approved of by the Commissioner of Trade and Customs for that purpose with five per centum added to such indicated weight for moisture and impurities in the sugar and the total number of gallons of wort made from sugar shall be so calculated from the quantity of sugar removed from the store and used in brewing or making wort distilled during the period as aforesaid and such quantity of wort being deducted from the whole quantity made from such mixture

3rd. Computation rateably with the attenuation.

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mixture of sugar and other materials the residue shall be deemed to have been made from other materials than sugar and such computation of proof spirit shall be made at the same rates and proportions of attenuation for any lesser quantity of such worts or wash and for any less decrease of specific gravity as the case may require and if by such computation it shall appear that the quantity of proof spirit produced by the distiller and conveyed into the certified and registered store of the distillery and remaining on hand in low wines and feints as aforesaid during the said period be less than the quantity of proof spirit which ought to have been produced by the computation of low wines as aforesaid or from the worts or wash mashed fermented or made in the distillery during the same period according to the rates herein expressed then and in every such case the distiller shall pay duty upon the greatest amount of deficiency ascertained by such comparison.

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

Duty chargeable on deficiency.

LXXV. Whenever any such deficiency shall be found to exist it shall not be lawful for any distiller after he shall have been served with a copy of such computation and before the production to the officer on duty of a certificate of the due payment of the full duty chargeable on such deficiency signed by the Collector of Customs or other officer appointed to receive the same either to commence the operation of mashing or to remove any spirits out of the certified and registered cellar or store room and any distiller offending herein shall be liable to a penalty of two hundred pounds.

Regulation to facilitate monthly accounts.

LXXVI. Between the hours of ten o'clock in the night-time of the last day of every month and six o'clock in the morning thereafter ensuing it shall not be lawful for any distiller to have or keep any feints low wines or spirits in any vessel in his distillery except in the chargers and in the vats in the certified and registered cellar or store room for the reception of spirits nor to have or keep in any vessel any wort or wash the lowest specific gravity of which shall have been declared pursuant to this Act and any distiller offending herein shall be liable to a penalty of fifty pounds.

Distiller made chargeable according to the highest gauge.

LXXVII. Every distiller shall in respect of all worts or wash in his distillery be chargeable and charged according to the highest gauge of quantity which shall at any time be taken thereof and according to the highest amount of the specific gravity thereof at any time declared by such distiller or ascertained by any inspector of distilleries without any allowance for waste spent wash dregs yeast or other matter whatsoever and if any decrease more than five per centum shall take place in the quantity of wort or wash in the distillery of any distiller the amount of such decrease shall be deemed and taken to have been distilled by such distiller and such distiller shall be chargeable and charged with a quantity of spirit in proportion to the decrease of any such wort or wash according to the directions of this Act.

Spirits to be kept in vats only.

LXXVIII. Within the certified and registered cellar or store room for the reception of spirits the spirits shall be kept in vats only and not in casks except by direction or with the sanction of the chief inspector of distilleries and no vat shall be erected in the said cellar or store room

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room which is not capable of containing at least three hundred liquid gallons and every distiller who shall not comply with the enactments of this clause shall be liable to a penalty of fifty pounds.

LXXIX. If at any time it shall be made to appear to the Commissioner of Trade and Customs that in any distilling apparatus used in any distillery any vessel or utensil is required of a character form and description different from those hereinbefore mentioned and that such vessel or utensil so required will not in any way be conducive to any evasion of the provisions of this Act it shall be lawful for such Commissioner to make rules and regulations permitting the use of such vessels and utensils as if the same had been expressly authorized by this Act.

Change in form of utensils.

LXXX. It shall not be lawful to mix with nor add to any low wines feints or spirits on the premises of any distiller any sugar syrup or any glutinous or saccharine or other matter or thing whereby the gravity of such low wines feints or spirits shall be increased or so as to prevent the true strength thereof being ascertained by the hydrometer or other instrument as hereinbefore provided and if it shall at any time be found that any sugar syrup or other glutinous or saccharine or other matter shall be so mixed with or added to any low wines feints or spirits in the distillery of any distiller such distiller shall for every such offence be liable to a penalty of two hundred pounds and all low wines feints and spirits so mixed shall be forfeited and may be seized by any inspector of distilleries. Provided that nothing herein contained shall be construed to prevent any distiller from mixing in the presence of the officer on duty any coloring matter approved of by the Commissioner of Trade and Customs or chief inspector of distilleries with any spirits contained in a vat or vessel erected in the certified and registered cellar or spirit room hereinbefore mentioned and such vat or vessel shall be twenty-five per centum of greater capacity than the spirit receiver and all such spirits so colored shall within forty-eight hours from the time at which they have been pumped from the receiver be transferred into the spirit vat or vats and the said vat for coloring shall be subject to the provision hereinbefore mentioned as to the clearing out of vessels once in every month and in all cases in which the provisions of this section shall be strictly complied with to the satisfaction of the chief inspector of distilleries it shall be lawful for him to make an allowance not exceeding three per centum on the number of gallons of proof spirit transferred into the coloring vat for the purpose of being colored for any deficiency which shall arise in consequence of the introduction of such coloring matter.

No sugar or syrup to be mixed with spirits.

LXXXI. No spirits shall be drawn out of the vat or vats hereinbefore mentioned except between the hours of eight in the forenoon and four in the afternoon and in the presence of the officer on duty and if any distiller shall draw off any spirits at any other time or in the absence of such officer such distiller shall be liable to a penalty of one hundred pounds.

Limitation of hours for drawing off spirits.

LXXXII. The proper officer shall keep a true account by way of debtor and creditor of the stock of spirits in the certified and registered store of every distiller licensed under this Act and shall in such account debit such stock with the full quantity of spirits computed at proof which shall be from time to time conveyed into such stock and credit the same with the full quantity of spirits computed at proof which shall be from time to time sent out of such stock and at the expiration of every month such officer shall ascertain the actual quantity or stock of spirits which shall then be in the certified and registered cellar or store room of the distillery for the purpose of balancing the said accounts and if at any time the quantity of spirits in such certified

Stock account to be kept.

and

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and registered cellar or store room shall be less than the quantity of spirits which by the stock accounts kept by such officer ought to be in the stock and in the possession of such distiller every such distiller shall be liable to a penalty of ten shillings for every gallon which shall be so deficient. Provided that independently of the allowance made or to be made for coloring as hereinbefore mentioned no distiller shall be liable to such penalty in any case in which such decrease or deficiency shall not exceed three per centum on the balance left at the last monthly taking of stock and on the quantity of proof spirits brought into stock since last monthly taking of stock. Provided also that if any decrease or deficiency shall arise greater than that which is hereinbefore authorized to be allowed for coloring together with the three per centum hereinbefore authorized to be allowed on the credit of such monthly stock account then no allowance except that for coloring shall be made unless such distiller shall prove to the satisfaction of the chief inspector of distilleries or other officer acting on his behalf that such decrease or deficiency arose from leakage absorption fire unusual evaporation or other cause over which such distiller had no control and not from any fraud or culpable negligence.

Limitation in the size of casks.

LXXXIII. No cask or vessel of any kind shall be admitted into the certified or registered cellar or store room for the reception of spirit for the purpose of being filled from any of the said vats which shall not be capable of containing at least ten imperial gallons and no cask or vessel of any kind after having been filled from the said vats or from any of them shall remain in the said store more than forty-eight hours and if the duty due on the spirits contained in any such casks or vessels be not paid within forty-eight hours or if the said casks or vessels be not removed within the same forty-eight hours the contents of the said casks or vessels shall be returned into the vat or vats and the casks or vessels placed outside of the said cellar or store room and any distiller who shall keep any such cask or vessel more than forty-eight hours within such store or who shall refuse or fail to return the contents of such cask or vessel into the vat or vats as herein enacted shall be liable to a penalty of fifty pounds. Provided that nothing herein contained shall prevent such distiller from keeping any cask or vessel longer than forty-eight hours within such cellar or store room upon receiving permission in writing from the chief inspector of distilleries so to do.

Allowance where spirits are destroyed by fire &c.

LXXXIV. In case any spirits shall be destroyed by fire or other inevitable accident the chief inspector of distilleries shall certify to the Commissioner of Trade and Customs that such fire or other accident has taken place together with the cause thereof so far as the same can be ascertained and that such fire or other accident has arisen without any default of the distiller in which case no duty shall be demanded of or paid by such distiller on any spirits so destroyed neither shall any duty be demanded or paid for or in respect of any spirits lost by the leakage or bilging of any vessel and in case of any such loss as aforesaid it shall not be lawful for any distiller to maintain any action or suit against any officer or person whatsoever acting under authority of this Act or of any Act which may hereafter be in force respecting the distillation of spirits or the regulation of distilleries for any compensation or damage for or on account of such loss.

Certificate of payment of duty.

LXXXV. All duties chargeable on spirits distilled within the colony of Victoria or on any deficiency appearing on monthly computation as aforesaid shall be paid to the Collector of Customs or to such other person or persons as the Governor in Council shall appoint to receive the same who shall grant a certificate of such payment to
the

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the party paying the same and such certificate shall be filed in the office of the chief inspector of distilleries.

LXXXVI. All worts wash low wines feints and spirits and all materials preparations utensils and vessels for the making thereof in the custody or possession of such distiller or in the custody or possession of any person or persons in trust for him or into whose hands soever the same shall come, and by what conveyance or title soever the same shall be claimed shall be subject and liable to and the same are hereby made chargeable with all the duties in arrear or owing from time to time from or by such distiller and shall also be subject and liable to all penalties and forfeitures incurred by such distiller for any offence or offences by him committed against this or any other Act which may hereafter be in force relating to distillation and it shall be lawful in all such cases to levy thereupon such duties penalties and forfeitures and use such proceedings for the recovery or enforcement thereof as might lawfully be done in case the debtors or offenders were the true and lawful owners of such worts wash low wines feints and spirits materials preparations utensils and vessels Provided that when the same shall come into the hands and possession of any third person or persons by any *bonâ fide* sale and delivery made before any such duties have been charged or become chargeable upon or any such penalties or forfeitures have been incurred by the distiller or distillers by whom the same respectively shall have been so sold and delivered as aforesaid no such worts wash low wines feints or spirits materials preparations vessels or utensils shall be subject or liable to or be made chargeable with such duties penalties or forfeitures as herein mentioned.

Property on premises liable for duties in arrear or for penalties incurred.

LXXXVII. It shall not be lawful to send take or remove any spirits out of the premises of any distiller except between the hours of ten in the forenoon and four in the afternoon and without having a permit to remove the same signed by an inspector of distilleries or other officer appointed under this Act such permit to contain the distiller's name and the place from whence such spirits are to be removed the vessel or vessels in which such spirits are contained and the quantity of spirits contained in each and every such vessel or vessels and the name and residence of the person or persons to whom such spirits are to be delivered or forwarded and such permit shall also specify the time or duration such permit is to be in force Provided that such permit shall not be granted by the inspector of distilleries or other officer appointed as aforesaid for the removal of any spirits which shall not have been previously lodged and deposited in the certified and registered cellar or store room and provided that at the time such permit is required the distiller or other person requiring such permit shall give to such inspector of distilleries or other officer aforesaid the certificate of the said Collector of Customs or other person appointed as aforesaid that the duty upon such spirits intended to be removed has been duly paid or that due entry thereof has been made in manner hereinafter provided.

Permits for the removal of spirits.

LXXXVIII. All spirits removed from the premises of any distiller without a permit as aforesaid or after the time authorized by this Act shall have expired shall be seized and forfeited together with the cask or casks in which the same shall be contained and the cars carts drays or other conveyances and the horses or other animals employed in removing the same.

Spirits removed without permit may be seized.

LXXXIX. It shall be lawful for any inspector of distilleries officer of customs police constable or other person appointed as aforesaid to stop and detain any person who shall be found removing or carrying any spirits of any kind from the premises of any distiller and to demand the

Officers may stop persons removing spirits and examine permits.

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the production of the permit or permits as aforesaid accompanying such spirits and on being satisfied that the spirits are the same in quantity quality sort or kind and strength as expressed in such permit or permits and that the duty payable by law in respect thereof has been paid or secured to be paid for the same such officer shall endorse on such permit or permits the time hour and place of such examination and shall sign his name thereto and if any person so found removing or carrying away such spirits which are by law required to be accompanied with a permit shall refuse to produce such permit or permits as aforesaid immediately on being required so to do by any officer for the purposes aforesaid or shall be found removing or carrying any such spirits without a lawful permit every such person shall for every such offence be liable to a penalty of one hundred pounds and it shall be lawful for such officer and he is hereby authorized empowered and required to stop arrest and detain every such person and to convey the said person together with the spirits so found removing or carrying by or with him before one or more of Her Majesty's justices of the peace residing near to the place where any such person shall be so stopped or arrested and it shall be lawful for such justice or justices of the peace and he and they is and are hereby required and shall have full power and authority to hear and determine in a summary way any information against any such person so stopped or arrested under the provisions of this Act and on the confession of any such person or upon proof on oath by one or more credible witness or witnesses to convict such person in such penalty as aforesaid.

Unlawful permits.

XC. Every permit used for any purpose whatever other than to accompany the removal and delivery of the spirits for which such permit was obtained and granted and at the time limited and to the place expressed in such permit shall be deemed and taken to be an unlawful permit.

Distance between duty paid spirit store and distillery.

XCI. It shall not be lawful for any distiller or any agent of any distiller to have keep or make use of any store for the sale of duty paid spirits at any place nearer to any part of the premises of any distillery than five hundred yards and every distiller or agent of any distiller offending against the provisions of this enactment shall be liable to a penalty of two hundred pounds.

Mode of ascertaining quantity of spirits by weighing.

XCII. For the purpose of ascertaining the quantity of spirits contained in any cask or vessel by weighing the same the table annexed in the eighth schedule of this Act shall be used in connexion with Sykes's hydrometer and the number of pounds and decimal part of pounds corresponding to the indication by Sykes's hydrometer of the spirits so weighed shall be deemed to be weight in pounds and decimal parts of pounds contained in one liquid gallon of such spirits And the net weight in pounds of such spirits divided by the weight contained in one gallon of the spirits so weighed shall be the number of liquid gallons and fractional parts of a liquid gallon contained in such cask or vessel of spirits in the store of any distiller and such distiller shall cause to be cut branded or painted in oil paint on the outside of the head of such cask or vessel the tare or weight in pounds of such cask when empty And any distiller failing or neglecting to have such tare legibly cut branded or painted in oil paint on the outside of the head of such cask or vessel shall for every offence be liable to a penalty of five pounds And for the purpose of weighing such spirits every distiller or rectifier shall provide sufficient and just scales and weights or weighing apparatus to be approved of by the chief inspector of distilleries and a set of standard measures for the purpose of weighing measuring and taking an account of the spirits distilled by such distiller and of any cask or vessel used for

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for the purpose of containing spirits and such distiller or rectifier shall maintain and keep such scales weights and measures conveniently placed in his distillery and at all times ready for use and shall permit and suffer any inspector of distilleries to use the same for the purpose aforesaid and if any distiller or rectifier shall not provide keep and maintain such scales and weights or weighing apparatus and measures as aforesaid or shall refuse to permit any inspector of distilleries to use the same as aforesaid or shall use or cause or procure or suffer to be used any false unjust or insufficient scales weights or measures or shall practice any art device or contrivance by which any such inspector of distilleries may be hindered or prevented from taking the just or true weight or measure of such spirits or any cask or vessel used for the purpose of containing spirits Then and in every such case such distiller or rectifier shall forfeit and pay the sum of fifty pounds And all such false or insufficient scales weights weighing apparatus and measures respectively may be seized by an inspector of distilleries and shall be forfeited Provided that it shall be lawful for the chief inspector of distilleries or any officer acting under him to ascertain the quantity of spirits contained in any cask or vessel by measurement or gauging as the case may require.

XCIII. It shall be lawful for the Commissioner of Trade and Customs to grant permission for the removal of spirits in such quantities and under such regulations as he may from time to time direct from any bonding warehouse to the certified and registered cellars and store room of any distiller for the purpose of being mixed with and imparting a flavor to the spirits distilled by such distiller and the spirits so received and intermixed shall be subject to such allowance for natural waste as if distilled in such distillery Provided that if the spirits so required to be removed from a bonding warehouse be for intermixture with spirits distilled and vatted for exportation then no duty shall be chargeable on such spirits so removed but if for intermixture with spirits distilled and vatted for home consumption then if the duty on imported spirits be greater than that payable on colonial distilled spirits the difference of such rates of duty shall be paid on every proof gallon and fraction of gallon of such spirits before removal from such bonding warehouse to such cellars or store of such distiller.

Regulations for removal of spirits.

XCIV. It shall be lawful for the Commissioner of Trade and Customs to grant permission to any distiller to deposit in a warehouse (erected on the premises of such distiller and approved of by such Commissioner of Trade and Customs and under such regulations as he may from time to time make) spirits from the registered cellar or store room of said distillery without payment of duty thereon and such spirits and no other shall be secured under the locks of the Crown in such bonding warehouse and in respect of deficiencies arising on spirits so warehoused such abatement and allowance shall be made as may be sanctioned by the Commissioner of Trade and Customs Provided that all spirits so warehoused if not removed from such warehouse within the period of three years shall at the expiration of that time be examined by the proper officer and the duty upon any difference or deficiency between the quantity ascertained on being first warehoused and the quantity found to exist at such examination shall subject to such allowance as may be sanctioned as aforesaid be paid down and the quantity so found shall be rewarehoused in the same manner as at first.

Warehousing of spirits.

XCV. It shall be lawful for the Commissioner of Trade and Customs to appoint any other bonding warehouse for the purpose of lodging under bond any spirits distilled under the provisions of this Act without

Appointment of bonding warehouse.

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without the payment of duty and the spirits so lodged shall be subject to the same rules and regulations in respect to regauging and leakage as imported spirits when in bond in any bonding warehouse under the supervision of the collector or other chief officer of customs.

Entry to be made
before removal.

XCVI. Before any spirits shall be removed from the certified and registered cellar or store room of any distiller or from the bonded store erected as aforesaid on the premises of such distiller to any bonded warehouse under the supervision of the customs an entry of the same in the usual and proper form for warehousing goods under bond shall be passed at the custom house and the person entering the same shall give security by bond in double the amount of duty which would be payable thereon if taken out of the said store for home consumption with one sufficient surety to be approved of by the collector or other chief officer of customs that the said spirits shall be warehoused to the satisfaction of the said collector or other chief officer of customs and thereupon the said collector or other chief officer of customs shall grant a warrant for the removal of such spirits from the said registered or bonding warehouse erected on the premises of said distiller to the bonding warehouse named in the warrant and upon the delivery of the warrant aforesaid to the officer on duty at the distillery such officer shall deliver the spirits therein described to the officer of customs appointed to convey the same to the bonding warehouse named in the margin and upon the removal of such spirits aforesaid it shall be re-weighed in the presence of such officer who shall thereupon give a receipt for the same to the officer on duty at the distillery.

Spirits may be used
for varnishes.

XCVII. It shall be lawful for the Commissioner of Trade and Customs by writing under his hand to permit spirits lodged in any bonding warehouse as aforesaid to be used for the purpose of dissolving resins and gums for varnishes and other like manufacturing purposes for which methylated spirits are used and required and for that purpose such spirits so to be used shall be mixed with purified wood naphtha in such quantities and of such quality as such commissioner shall direct so that such spirits so methylated shall be rendered wholly unfit for human consumption and such spirits so methylated may be delivered out of such bonding warehouse without payment of duty Provided that the process of mixing hereinbefore mentioned shall be performed under the supervision and in the presence of an officer appointed to superintend the same.

Spirits may be re-
moved to any co-
lonial port, under
bond.

XCVIII. Spirits warehoused as aforesaid being first duly entered the custom house may be delivered under the authority of the collector or other chief officer of customs without payment of duty for the purpose of removal to any port within the boundaries of the said colony under bond to the satisfaction of the said collector or other chief officer of customs for the due arrival of such goods at such port and for the payment of the duty payable thereon upon being landed to the officer appointed to receive the same or for the safe deposit of the same in some duly approved bonded warehouse at such port.

Spirits may be ex-
ported.

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

Spirits may be ex-
ported under bond.

C. Before any spirits distilled in the colony and deposited in any such bonding warehouse shall be so exported to places beyond the boundaries of the colony without payment of duty the person exporting the same shall pass an entry outwards in the usual manner and shall enter into bond in double the amount of duty which would be payable thereon if entered for home consumption with one sufficient surety to be approved of by the collector or other chief officer of customs that the

same

Distillation.

same shall be landed at the place for which they shall be entered outwards or be otherwise accounted for to the satisfaction of the said collector or other chief officer of customs.

CI. When any spirits deposited in the bonding store attached to any distillery are required for home consumption for exportation or for ships stores the distiller shall procure from the inspector of distilleries or other officer on duty at and in charge of such store a certificate on which shall be written the distinguishing mark or number of each cask also the number of proof gallons in each cask so required for home consumption for exportation or for ships stores as the case may be and thereupon such distiller shall present such certificate to the collector or other chief officer of customs and shall make entry and pay duty thereon if such spirits be required for home consumption or make entry and enter into the necessary bond if such spirits be required for exportation and the said collector shall thereupon grant a warrant for the due delivery of the spirits in the manner and form as is required in the case of imported spirits when delivering from a bonding warehouse and such warrant on being delivered to the officer on duty at and in charge of said store shall be a sufficient order for the delivery of the spirits mentioned therein.

Mode of proceeding where spirits are entered for home consumption.

CII. All duties on spirits distilled in the colony and deposited in other bonding warehouses under the supervision of the collector of customs shall be paid to the collector of customs in the same manner and under the same regulations as for imported spirits in bond Provided that in places where there is no collector of customs the duties on spirits distilled in the colony as aforesaid shall be paid to such other officer as the Governor in Council may appoint to receive the same in the same manner and under the same regulations as if paid to a collector of customs.

Duties how to be paid.

CIII. Within one month of the thirty-first day of December in every year after the passing of this Act the Commissioner of Trade and Customs shall cause returns to be made of and published in the *Government Gazette* specifying the number of imperial gallons of spirits distilled in the colony received into all bonding warehouses during the previous year the number of imperial gallons of such spirits cleared and taken out of such warehouses for home consumption and for exportation respectively and the number of imperial gallons of such spirits remaining in such warehouses on the thirty-first day of December in each year.

Returns of spirits distilled to be published.

CIV. No license for the rectifying and compounding of spirits shall be granted or renewed unless it be certified to the Commissioner of Trade and Customs by an inspector of distilleries that there is erected in connexion with the still for which such license is sought to be obtained at least one receiver which shall be a close covered vessel provided with the means of being secured by locks and the contents or capacity of every such receiver shall not be less than the contents or capacity of the still with which it is connected and such certificate shall also certify that the provisions of this Act or of any Act which may hereafter be in force respecting the distillation rectifying and compounding of spirits have been complied with.

Rectifier's receiver to be certified.

CV. Before any such license for the rectifying and compounding of spirits shall be granted or renewed the persons applying for the same shall together with two good and sufficient sureties to be approved of by the Commissioner of Trade and Customs or chief inspector of distilleries enter into a recognizance payable to Her Majesty in the sum of three hundred pounds conditioned for the due and faithful observance of the provisions

Recognizance to be entered into.

Distillation.

provisions of this Act and of any Act which may hereafter be in force respecting the distilling rectifying and compounding of spirits.

Rectifiers not to keep worts, &c., on their premises.

CVI. If any rectifier shall have in his custody or possession any wort wash or any fermenting or fermented liquor or any materials prepared or fit for the purpose of being distilled or rectified into low wines or spirits or any material whatsoever capable of fermentation after admixture with water or otherwise not being spirits already and elsewhere made and distilled and on which the full duty for spirits has been already paid or any material whatsoever which may add to the alcohol contained in the quantity of spirits to be rectified then and in any such case such rectifier shall be liable to a penalty of not less than one hundred pounds nor more than five hundred pounds. Provided that it shall be lawful for the Commissioner of Trade and Customs to permit spirits distilled in Victoria and lodged in any bonded warehouse as aforesaid to be delivered without payment of duty for the purpose of being rectified or compounded in bond under such regulations as he may from time to time direct recognizances being first given by the rectifier in two good and sufficient securities to be approved of by the said Commissioner in double the amount of duty payable on such spirits that the full duty shall be paid on the true quantity of spirits which should be produced or the full quantity so rectified be deposited in a bonded warehouse within forty-eight hours from the completion of the process of rectifying which process of rectifying shall be commenced not later than twelve hours after delivery from said bonded warehouse. And if it shall be found that the quantity of spirits so rectified be less when completed at proof than the quantity delivered to be rectified as aforesaid after making an allowance of not more than two per centum on the spirits so delivered then the full duty on the deficiency so found shall immediately be paid by such rectifier or compounder to the officer appointed to receive the same or in default thereof such rectifier or compounder shall be liable to a penalty of double the amount of duty upon the said deficiency. Provided that no sugar syrup or any glutinous or saccharine or other matter or thing whereby the gravity of such low wines feints or spirits shall be increased or so as to prevent the true strength thereof being ascertained by the hydrometer be added until the quantity of proof gallons of spirits so rectified shall be ascertained deficiency if any computed and duty paid on such deficiency and without the permission in writing of the chief inspector of distilleries nor until spirits so rectified as before mentioned shall have been reduced to liquid gallons at proof then all spirits so permitted to be sweetened or compounded shall be taken out and computed as spirits at proof and duty thereon paid accordingly or returned into a bonded warehouse.

Regulation of rectifier's apparatus.

CVII. There shall be a cock at the end of the tail pipe of every still used by every rectifier of spirits and no such rectifier shall have or keep any opening fixed pipe or other conveyance whatever leading to any still or stills belonging to or used by such rectifier other than and except one charging pipe to each such still a hole or opening whereby the still may be cleansed and officers may take samples and guages and a safety or air valve nor shall have or keep any opening fixed pipe or other conveyance whatever leading from any such still or stills save and except the discharge cock to each still respectively belonging and the head of such still terminating in the worm and proper locks and fastenings shall be provided and maintained by such rectifier at his own expense and charge and subject to the approval of the chief inspector of distilleries for properly and sufficiently locking and securing the charge and discharge cock and the door of the furnace and the cock at the end of the tail

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tail pipe the hole or opening and the safety or air valve as aforesaid of each and every still respectively used by such rectifier which locks and fastenings shall be locked and sealed by an inspector of distilleries who shall have the custody of the keys thereof and if any such rectifier shall have or keep any opening fixed pipe or other conveyance (not before excepted) leading to or from such still or stills or shall refuse to provide and maintain such locks and fastenings as aforesaid or shall prevent or hinder the officer from affixing any lock or fastening as aforesaid or if by any means device or contrivance whatsoever any lock seal or fastening shall be opened broken or removed by any rectifier or by any person in his employ or under his command at any time after the same shall have been locked made or secured by any inspector of distilleries or if any such rectifier shall wilfully open break or damage or cause or suffer to be opened broken or damaged any of such locks seals or fastenings as aforesaid every such rectifier shall for every such fixed pipe opening or conveyance (not before excepted) and for every such lock seal or fastening so opened broken or damaged be liable to a penalty of two hundred pounds.

CVIII. It shall not be lawful for any rectifier of spirits to charge his still or to commence the rectifying of spirits without first giving notice to an inspector of distilleries either personally or at his usual place of abode or at such place as the chief inspector of distilleries shall appoint of his intention so to do and such notice shall be given in writing at least twenty-four hours before such rectifier shall charge his still and shall contain full particulars of the description of spirits it is his intention to rectify and of the quantity and strength thereof and any rectifier who shall charge his still or commence to rectify spirits without first giving such notice shall be liable to a penalty of fifty pounds.

Rectifier to give notice of charging still.

CIX. It shall be lawful for any inspector of distilleries at all times to ascertain the quantity and strength of the spirits contained in the still of any rectifier and to take an account thereof and if at the time specified in the notice as last aforesaid the quantity and strength of such spirits so ascertained and taken an account of by such officer shall be found not to agree with the quantity and strength as set forth by such rectifier in such notice as last aforesaid such rectifier shall be liable to a penalty of fifty pounds.

Quantity and strength of spirits in rectifier's still to agree with the notice.

CX. Every such rectifier of spirits shall before beginning to run off any spirits from any still charge the same with a quantity of liquor in the proportion of not less than seven parts in ten of the whole quantity of liquor which any such still exclusive of the head thereof is capable of containing and such still shall remain and continue so charged until the rectifier shall begin to run off spirits therefrom and such still shall be worked off within six hours to be computed from the time of the officer taking the gauge thereof and if any such rectifier shall begin to draw off any spirits from any such still not so charged or shall not work off the same within such six hours such rectifier shall be liable to a penalty of fifty pounds.

Regulation of the operation of rectifying.

CXI. At the expiration of the said six hours or as soon as the still of such rectifier shall have ceased to run it shall be lawful for any inspector of distilleries to open and secure the discharge cock and to shut and secure the charge cock and the cock at the end of the tail pipe and the door of the furnace of any such still in such manner as shall be approved of by the chief inspector of distilleries such cocks so to remain until they shall be again shut or opened and secured as the case may require by any inspector of distilleries.

Officer may secure rectifier's apparatus.

CXII. It shall be lawful for any inspector of distilleries to ascertain and take an account of the quantity and strength of the spirits rectified

Quantity of spirit produced by the rectifier not to exceed the quantity put into his still.

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rectified by any rectifier in pursuance of any such notice as aforesaid and if the number of gallons of proof spirit produced by each process of rectifying shall be found to exceed in any case the number of gallons of proof spirit as ascertained and taken an account of by any such officer in the still of any such rectifier or if by any device or contrivance any such officer shall be prevented from ascertaining and taking a true account of the quantity and strength of any such spirit every such rectifier shall forfeit and pay the sum of one hundred pounds.

Seizure of materials
for distillation.

CXIII. It shall be lawful for any inspector of distilleries officer of customs officer of police police constable or any other person appointed by the Governor to seize any still still-head worm or other apparatus or utensil whatsoever intended or suited for distilling or for any process of distillation found in any house building premises or place whatsoever unless the owner or occupier thereof shall hold and produce a valid license to distil or to rectify spirits or shall have otherwise complied with the regulations and provisions of any law in force for the time being relating to distillation and also to seize all materials capable of fermentation and all worts wash wines spirits and other chattel property of every kind whatsoever found in any such house building place or premises and all such articles so seized as aforesaid shall be forfeited and disposed of in manner hereinafter provided.

Seizure of spirits.

CXIV. It shall be lawful for any inspector of distilleries officer of customs or other person appointed as aforesaid to seize all or any spirits on which the full amount of duty chargeable shall not have been paid except as may be provided in any Act now or hereafter in force relating to the distillation of spirits in Victoria or in any Act relating to Her Majesty's Customs and all such spirits so seized shall be forfeited.

Proceedings under
warrant

CXV. In case any inspector of distilleries officer of customs or other person duly authorized as aforesaid shall have cause to suspect that any unlicensed still or any still-head or worm or other utensil for distilling whatsoever or any back or other vessel for making worts or wash or any worts or wash or other material preparing for distillation or any spirits upon which the full duty shall not have been paid is or are set up kept or concealed in any house building premises or place then and in such case upon information exhibited by such inspector of distilleries officer of customs or other person as aforesaid before any justice of the peace setting forth the ground of his suspicion it shall and may be lawful for such justice of the peace before whom such information shall have been exhibited if he shall judge it to be reasonable by warrant under his hand and seal to authorize and empower such inspector of distilleries officer of customs or other person appointed as aforesaid by day or by night (but if in the night-time then in the presence of a constable) to break open the doors or any part of such house building premises or place where he shall so know or suspect such unlicensed still or other things as before enumerated to be set up kept or concealed and to enter into such house or place and to seize all and every such still or other such things as aforesaid and also all goods and chattels of every kind whatsoever found within such house building premises or place and either to detain and keep the same in the house building premises or place where found or to remove the same to the Queen's warehouse or to the police office next to or most accessible from the place where the same shall be discovered and found or to any other place of security.

Under writ of assist-
ance.

CXVI. In all cases in which it may not be deemed expedient to make seizures under the provisions of the clause last hereinbefore enacted it shall be lawful for any inspector of distilleries officer of customs or other person authorized as aforesaid having reasonable grounds to believe that any unlicensed still or any still head worm or

other

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other utensil for distilling whatsoever or any back or other vessel for making worts or wash or any worts or wash or other material preparing for distillation or any spirits upon which the full duty shall not have been paid is or are set up kept or concealed in any house or place then and in such case to enter into such house or place with writ of assistance and search for and seize any such unlicensed still or other things as before enumerated and also all goods and chattels of every kind whatsoever found within such house or place and either to detain or keep the same in the house or place where found or to remove the same to the Queen's warehouse or to the police office nearest to or most accessible from the place where the same shall be discovered and found or to any other place of security and all writs of assistance granted and issued under this Act shall continue and be in force until recalled by any judge of the Supreme Court.

CXVII. It shall be lawful for any inspector of distilleries officer of customs or other person appointed as aforesaid to arrest or cause to be arrested and to take or cause to be taken before any justice of the peace as hereinafter provided or before one of the judges of the Supreme Court any person whatsoever who shall have in his custody or possession or who shall keep or make use of any unlicensed still or utensil for distilling or who shall unlawfully make or shall be aiding assisting or otherwise concerned in unlawfully making any spirits or who shall knowingly supply the means or materials for establishing maintaining or working any unlicensed still or who shall carry convey or conceal or be aiding assisting or otherwise concerned in the carrying conveying or concealing of any spirits upon which the full duty shall not have been paid or who shall be found in any house or premises where such illicit distillation is carried on or upon whose premises shall be found any spirits upon which full duty shall not have been paid and such officer shall with as little delay as possible take or cause to be taken such person so arrested at his discretion before one of the judges of the Supreme Court who upon proof being given on oath to the satisfaction of such judge of the existence of a reasonable suspicion of the guilt of the person so arrested it shall and may be lawful for such judge by order under his hand to direct the person so arrested to be held to bail in such sum as such judge shall name to abide the event of an action information or other proceeding for the offence for which the said person shall have been arrested to be commenced within such time as the said judge shall direct and in default of bail to commit such person to gaol to abide the event of the said action information or other proceeding as aforesaid and such bail shall be justified in like manner and subject to the same rules as bail in actions at law is justified and subject to.

Holding to bail before
a judge.

CXVIII. It shall be lawful for any inspector of distilleries officer of customs or other person as aforesaid to arrest or cause to be arrested and to take or cause to be taken before any justice of the peace to be dealt with according to law any person whatsoever who shall have in his custody or possession or who shall keep or make use of any unlicensed still or utensil for distilling or who shall unlawfully make or shall be aiding assisting or otherwise concerned in making unlawfully any spirits or who shall knowingly supply the means or materials for establishing maintaining or working any unlicensed still or who shall knowingly carry convey or conceal or be aiding assisting or otherwise concerned in the carrying conveying or concealing of any spirits upon which the full duty shall not have been paid or who shall be found in any house or premises where such illicit distillation is carried on or upon whose
premises

Before a justice of
the peace.

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premises shall be found any spirits upon which the full duty shall not have been paid.

Detainer of parties.

CXIX. When any person shall have been arrested by any inspector of distilleries officer of customs constable or other person appointed as aforesaid and taken before any justice of the peace if it shall appear to such justice that there is reasonable cause to detain such person such justice may and he is hereby authorized and required to order such person to be detained without warrant a reasonable time and at the expiration of such time to be dealt with according to law.

Subsequent arrest of parties escaping.

CXX. If any person so liable to be arrested as aforesaid shall not be arrested at the time of committing the offence for which he is liable to be arrested or after arrest shall make his escape it shall and may be lawful for any inspector of distilleries officer of customs or other person authorized as aforesaid or for any constable to arrest such person so liable to arrest as aforesaid at any time afterwards and to take him before any judge of the Supreme Court or justice of the peace to be dealt with as aforesaid.

Keeping unlicensed still, &c.

CXXI. Every person who shall have in his possession or custody or upon whose premises shall be found any unlicensed still or any still-head or worm or other utensil for distilling whatsoever or who shall unlawfully make or who shall be aiding assisting or otherwise concerned in unlawfully making any spirits or who shall knowingly supply the means or materials for establishing maintaining or working any unlicensed still or who shall knowingly carry convey or conceal or be aiding assisting or otherwise concerned in the carrying conveying or concealing or upon whose premises shall be found any spirits upon which the full duty shall not have been paid or who shall be found in any house or premises where such illicit distillation shall be carried on shall be liable to a penalty of not more than five hundred pounds nor less than fifty pounds or at the discretion of such justice or justices to imprisonment with or without hard labor for a period of not less than six months nor more than two years Provided that nothing contained in this Act shall apply to any chemist druggist or other person having in his custody or possession for sale or in use for his trade business or profession any metal glass or earthenware retort or other apparatus of a less capacity than three gallons.

Penalty for selling illicit spirits.

CXXII. Any person who shall knowingly sell or otherwise dispose of or shall knowingly permit the sale or disposal of or shall knowingly purchase any spirits upon which the full duty shall not have been paid such person shall upon conviction for any such offence be liable for a first offence to a penalty of fifty pounds or in default of payment to be imprisoned in any gaol for four months with hard labor and for a second and any subsequent offence to be imprisoned in any gaol for not less than six months nor more than twelve months with hard labor such penalties and terms of imprisonment to be irrespective of and in addition to the penalties imposed by any Acts which may at any time be in force respecting the sale of spirits by licensed publicans and if the offender above described shall hold a publican's or other licence for the sale of fermented or spirituous liquors such licence shall on conviction be cancelled and annulled and such person shall be incapable of obtaining any licence as aforesaid for the term of five years after such conviction.

Officer may break up ground on the premises of a distillery.

CXXIII. It shall be lawful to and for any inspector of distilleries or any person authorized or any person acting in aid of such inspector or person by night or by day to break up any ground in any part of the distillery or premises of any distiller or any ground near to or adjoining such distillery or through any wall or partition thereof or belonging

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belonging thereto to search for any pipe or cock or any private conveyance or utensil and upon finding any such pipe or conveyance leading therefrom or thereto to break up the ground house wall or other place through or into which such pipe or other conveyance shall lead and break up or cut away any such pipe cock or other conveyance and to turn any cock or cocks and to examine whether such pipe or other conveyance may or can convey or conceal any wort wash or other liquor fit for distillation or low wines feints or spirits from the sight or view of the officer so as to hinder or prevent him from taking or keeping a true account thereof.

CXXIV. It shall be lawful for any inspector of distilleries or other person authorized as herein before mentioned to enter into and upon the premises of any distiller or rectifier of spirits to search for and seize any spirits the duty on which has not been paid and which may be kept or concealed thereon in any manner contrary to the provisions of this Act or of any Act which may hereafter be in force respecting distillation.

Officer may enter premises and seize spirits.

CXXV. It shall not be lawful for any person to commence to make or to land out of any ship any still still-head worm or other utensil for distilling whatsoever without having first given notice thereof in writing to the chief inspector of distilleries and every such notice shall set forth the number of gallons which such still is capable of containing and every person who shall commence to make or who shall land out of any ship any still still-head worm or other utensil for distilling whatsoever without having first given such notice as aforesaid shall be liable to a penalty not exceeding fifty pounds.

Notice of making or importing stills.

CXXVI. It shall not be lawful for any person to sell any still still-head worm or other utensil for distilling whatsoever either separately or as part of any house building premises or place in which any still shall have been erected without having given notice in writing to the chief inspector of distilleries of the name and residence of the purchaser thereof and also of the number of gallons which such still is capable of containing.

Notice of selling stills.

CXXVII. It shall not be lawful for any person to erect and set up any still without having first given notice in writing to the chief inspector of distilleries of his intention so to do which notice shall also set forth the number of gallons which such still is capable of containing the name and residence of the owner thereof the place in which it is intended to erect and set up the same and the purpose for which such still is to be used and every person who shall erect and set up any still without having first given such notice as aforesaid or shall knowingly give an incorrect notice shall be liable to a penalty not exceeding five hundred pounds nor less than fifty pounds unless such person shall at the time hold a valid license under any Act in force for the time being relating to distillation.

Notice of setting up stills.

CXXVIII. It shall be lawful for any inspector of distilleries or other officer appointed under the provisions of this Act upon reasonable suspicion to stop any cart dray or other vehicle whatsoever and to examine all goods carried thereon for the purpose of ascertaining whether any unlicensed still worm or other utensil or apparatus for distilling or rectifying any spirits upon which the full duty has not been paid are contained or carried thereon and if no such goods shall be found then and in all such cases the inspector or other officer so stopping and examining such cart dray or other vehicle having had reasonable and probable cause to suspect that the goods as aforesaid were contained or carried thereon shall not on account of such stoppage and search be liable to

Inspector may stop carts.

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to any prosecution or action at law on account thereof and any person who shall obstruct or offer any hindrance to any such inspector or other officer as aforesaid in the performance of his duties shall be liable to a penalty not exceeding fifty pounds and should any unlicensed still worm or other utensil or apparatus for distilling be found in or on any such dray cart or other vehicle the same shall be forfeited together with the said vehicle and the horse or horses or other cattle drawing the same and the owner thereof shall be liable to a penalty of not less than twenty pounds nor more than one hundred pounds.

Obstructing officer—
penalty.

CXXIX. Any person who shall in any manner obstruct any officer appointed under the provisions of this Act or any person acting on his behalf in the execution of any of their duties or in the due seizing of any goods liable to forfeiture under this Act or shall rescue or cause to be rescued or aid and abet in rescuing any goods or person who or which shall have been seized or arrested or shall attempt or endeavour so to do or shall before or at or after any seizure steal break or otherwise destroy any goods to prevent the seizure or securing thereof such person shall upon conviction of any of the said offences before any two justices of the peace be adjudged by such justices to be imprisoned in any gaol with or without hard labor for any term not exceeding two years or at the discretion of such justices for every such offence shall be liable to a penalty not exceeding one hundred pounds nor less than twenty pounds.

Assaulting or re-
sisting officer—
penalty.

CXXX. If any person shall assault or by force or violence resist oppose molest hinder obstruct any officer appointed under this Act or any person acting on his behalf every person so offending or aiding or abetting or assisting therein shall be adjudged guilty of felony and shall be liable at the discretion of the court before which he shall be convicted to be imprisoned in any gaol with hard labor for any term not less than three months nor more than five years.

Bribes—how punish-
able.

CXXXI. If any person shall give offer or promise to give any bribe recompense or reward or shall make or offer to make any collusive agreement with any inspector of distilleries officer of customs or other person authorized as aforesaid to induce him in any way to neglect his duty or to conceal or connive at any act whereby any of the provisions of this or any other Act now or hereafter in force relating to distillation may be evaded every such person so offending shall on conviction thereof be liable to a penalty not exceeding two hundred pounds whether such gift or offer shall be accepted or such promise performed or not and any inspector of distilleries officer of customs or other person appointed as aforesaid who shall directly or indirectly take or receive any bribe recompense or reward or shall in any way neglect his duty or conceal or connive at any act whereby any of the provisions of this or any other such Act as aforesaid may be evaded shall be liable to a penalty not exceeding two hundred pounds.

Onus of proof to be
on claimant.

CXXXII. If any spirits or other property shall be seized or stopped for any cause of forfeiture and any dispute shall arise as to ownership or whether the duty has been paid for the same or if any suit or action shall be brought for any nonpayment of license or other fee under this Act the proof thereof shall be on the owner or claimant of such goods or upon the defendant in any suit for payment of license or other fees and not on the officer who shall seize stop or sue for the same.

Registration of
brewers.

CXXXIII. Before any person shall carry on the trade or business of a brewer such person shall cause his name to be registered by the clerk of petty sessions at the place nearest to the place where such business is to be carried on at which a court of petty sessions is or shall be

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be established or at an office of the chief inspector of distilleries and shall also cause to be registered a particular description of the premises in which the business of brewing is to be carried on and such registration shall be renewed on the first day in every year not being a Sunday and shall be made in the form set forth in the ninth schedule of this Act and the said clerk of petty sessions or other officer shall give to every person registered as aforesaid a certificate in the form set forth in the tenth schedule of this Act which certificates shall be produced to the Treasurer or other authorized officer when the payment for the license fee hereinafter mentioned is made who shall thereupon grant to such brewer a license in the form set forth in the eleventh schedule to this Act.

CXXXIV. If any person shall carry on the trade or business of a brewer without having registered or renewed the registration of his name and premises or procured a license as aforesaid every such person shall be liable to a penalty not less than ten pounds and not more than thirty pounds and no registration shall be considered complete until the license fee as aforesaid shall have been paid to the Treasurer or other officer appointed to receive the same.

Penalty for brewing without licence.

CXXXV. All premises registered and licensed as aforesaid shall be open at all times to the inspection of any inspector of distilleries officer of customs or person authorized as aforesaid who shall respectively have power to enter into and search all such premises.

Premises to be open for inspection.

CXXXVI. It shall not be lawful for any person engaged in the trade or business of a brewer to carry on the trade or business of a dealer in spirits either by wholesale or retail upon any premises registered or licensed as aforesaid for carrying on the business of brewing or on any premises situated within one hundred yards of the same under a penalty of thirty pounds.

Brewing and sale of spirits to be in distinct premises.

CXXXVII. All spirits found on the premises of any brewer registered and licensed as aforesaid beyond the quantity of six imperial gallons may be seized by any inspector of distilleries officer of customs or person appointed as aforesaid and shall be forfeited and for every gallon of spirits so seized such brewer shall be liable to a penalty of forty shillings.

Quantity of spirits kept by brewers.

CXXXVIII. Every brewer registered and licensed as aforesaid shall cause his name to be painted legibly in letters not less than two inches in length upon every dray cart or other vehicle used for the purpose of his trade or business and every such brewer who shall fail to comply with the regulations herein contained shall be liable to a penalty not exceeding twenty pounds.

Name painted on cart.

CXXXIX. Any public brewer who shall use or cause or permit to be used in the brewing of any beer ale or porter or shall put into or mix therewith or the worts thereof respectively any cocculus indicus nux vomica tobacco tobacco juice opium aloes faba amasa grains of paradise cannabis indicus or any extract decoction infusion or preparation thereof respectively or any other deleterious or poisonous matter or thing shall be liable on conviction to a penalty of two hundred pounds for the first offence and for the second or any subsequent offence shall be guilty of misdemeanor and upon conviction shall be liable to a fine not exceeding five hundred pounds and to be imprisoned for any period not exceeding two years irrespective of any other penalties imposed by this Act and all such beer ale porter and worts shall be forfeited and may be seized by any inspector of distilleries or other authorized officer.

Use of deleterious drugs prohibited.

CXL. Any brewer or retailer of beer who shall have in his possession any cocculus indicus nux vomica tobacco tobacco juice opium aloes faba amasa grains of paradise cannabis indicus or any extract decoction

Penalty for having such drugs in brewer's possession.

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decoction infusion or other preparation thereof respectively otherwise than for some medicinal or domestic purpose the proof of which shall lie on such brewer or retailer shall be liable to a penalty of fifty pounds and all such deleterious substances so found in the possession of such brewer or retailer of beer may be seized by any inspector of distilleries or other authorized officer and shall be forfeited.

Penalty for selling such drugs.

CXLI. Any person who shall knowingly sell dispose of send or deliver to any brewer or retailer of beer ale or porter any cocculus indicus nux vomica tobacco juice opium aloes faba amasa grains of paradise cannabis indicus or any extract decoction infusion or other preparation thereof respectively otherwise than for some medicinal purpose the proof whereof shall lie on the person so selling disposing of sending or delivering the same shall be liable to a penalty of fifty pounds.

Penalty for selling adulterated beer.

CXLII. Any person who shall knowingly sell or dispose of any ale beer or porter in which shall be mixed any cocculus indicus nux vomica tobacco juice opium aloes faba amasa grains of paradise cannabis indicus or any other deleterious or poisonous substance shall be liable to a penalty of fifty pounds.

Registration of spirit merchants.

CXLIII. It shall not be lawful for any person to sell spirits wine or fermented liquor upon which the duty shall have been paid and in quantities of two gallons or upwards unless holding a publican's general license without having first registered his name with the clerk of petty sessions at the place nearest to the place of business of such person at which a court of petty sessions is or shall be established or at an office of the chief inspector of distilleries and also a particular description of the premises in which the sale of spirits shall be carried on and in which spirits shall be kept and stored and such registration shall be renewed on the first day in every year not being a Sunday and shall be made in the form set forth in the ninth schedule of this Act And the said clerk of petty sessions or other officer shall give to every person registered as aforesaid a certificate in the form set forth in the tenth schedule of this Act which certificate shall be presented to the Treasurer or other authorized officer when the payments of the license fee hereinafter mentioned is made and if any person shall carry on the business of a wine and spirit merchant without having completed the registration of his name and premises and procured a license as hereinafter directed he shall be liable to a penalty of not less than ten pounds or more than thirty pounds or at the option of the person suing for the same to a penalty not exceeding five pounds for every day that he shall fail or neglect to make such registration and procure such license.

Spirit merchant's fee for registration.

CXLIV. Every wine and spirit merchant who shall have so registered his name shall pay to the Treasurer or other person appointed to receive the same annually the sum or fee required by any Act now or hereafter to be in force to be paid by such wine and spirit merchant which fee shall be payable on the first day in every year not being a Sunday and such registration as hereinbefore mentioned shall not be deemed to be complete until such fee shall have been duly paid to the said Treasurer who shall thereupon grant to such person registered as aforesaid a license in the form set forth in the eleventh schedule to this Act Provided that the fee for any registration under this Act shall only be in proportion to the period from which such registration shall be made to the period at which it shall expire every registration under this Act expiring on the thirty-first day of December in each year and provided also that the treasurer may refuse to grant a license to any person who may have at any time within three years of the application for such license

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license as wine and spirit merchant or brewer been convicted of violating any of the provisions of this or any Act in force relating to the excise or customs or the vending of spirituous or fermented liquor by retail or may cancel and annul such license upon conviction of any person to whom such license has been granted of violation of any of the Acts as aforesaid and all licenses granted under this Act shall be exposed on some conspicuous part of the premises so licensed and produced on demand for the inspection of any officer appointed under this Act officer of customs or police And any person carrying on the business of a wine and spirit merchant or brewer as aforesaid without such license or after such license has been cancelled and annulled or who shall refuse to produce such license when demanded as aforesaid shall be liable to a penalty of not less than ten pounds nor more than thirty pounds.

CXLV. Nothing hereinbefore contained shall compel any two or more persons carrying on business in co-partnership in one house or place of business to pay more than one fee for registration but if such person or persons in co-partnership shall carry on the business of wine and spirit merchants in more than one house or place of business not in the same town then the said fee for registration shall be payable for and in respect of every such house or place of business owned or conducted by such person or persons so carrying on business in co-partnership and nothing hereinbefore contained shall render it necessary that the fermented or spirituous liquors now allowed to be sold in quantities of not less than two gallons shall be liquor of one description only but may be fermented or spirituous liquors or both as the case may be of several descriptions Provided that in case any wine and spirit merchant having registered and paid the license fee as aforesaid remove absolutely his business to any other town or place then and in such case he shall not be liable to pay an additional license fee for such removal but he shall nevertheless register his name and a description of the premises to which he has removed in the same manner as hereinbefore mentioned and in default of such registration of removal he shall be liable to a fine of not less than ten pounds and not more than thirty pounds.

License in case of partnership.

CXLVI. In all proceedings under this Act or under any Act which may hereafter be in force for the regulation of distillation and brewing or respecting licensed and registered spirit merchants and brewers of beer the person against whom such proceedings are taken shall be taken to be a distiller or rectifier and compounder of spirits wine and spirit merchant or brewer as the case may be and the proof of not being a distiller or rectifier and compounder of spirits wine and spirit merchant or brewer as the case may be shall be upon the person against whom such proceedings shall be taken and not upon the officer or person who may sue for any penalty and any such person as aforesaid shall be deemed to be unlicensed unless he shall at the hearing produce his license before and exhibit the same to the court before which such proceedings shall be taken or shall produce other proof to the satisfaction of such court that he is not such person as described in such proceedings or that he is a duly licensed person and of the description of the license held by him.

Onus of proof.

CXLVII. The clerk of the bench at every place where a court of petty sessions is or shall be established shall within ten days after every such registration as aforesaid make a return thereof to the chief inspector of distilleries which return shall be an exact copy of every such registration certificate and every such clerk of the bench who shall fail or neglect to make any such return as aforesaid shall be liable to a penalty not exceeding

Clerk of the Bench to make returns.

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exceeding five pounds and the chief inspector of distilleries shall cause the names and residences of all persons so registered as aforesaid to be published in the *Government Gazette*.

Informations may be heard and determined in a summary way.

CXLVIII. All informations suits or actions for the recovery of any fine forfeiture or penalty imposed by this Act or by any Act which may hereafter be in force for the regulation of distilleries may be heard and determined in a summary way before any two or more justices of the peace or before the judges of the Supreme Court at the option of the chief inspector of distilleries and any such information suit or action shall and may be filed or instituted in the name of Her Majesty's Attorney General for Victoria or of the chief or other inspector of distilleries and if any question shall arise as to whether any person is the chief or other inspector of distilleries parol evidence may be given of such facts and shall be deemed legal and sufficient evidence.

Penalties to be sued for within one year after the offence.

CXLIX. All informations actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act shall be commenced and prosecuted at any time within one year after the offence committed by reason whereof such penalty or forfeiture shall be incurred.

Form of Information, &c.

CL. Informations before any justice of the peace for any offences committed against this or any other Act now or hereafter in force relating to the distillation or rectifying of spirits and all convictions for such offences and all warrants of justices of the peace founded upon such convictions shall be drawn respectively in the forms set forth in the twelfth thirteenth and fourteenth schedules of this Act or in words to the like effect.

Offence to be set forth in the words of the Act.

CLI. Every information for any penalty or forfeiture under this or any other Act now or hereafter in force relating to the distillation or rectifying of spirits and any conviction or warrant of commitment for any penalty shall be deemed valid and sufficient in which the offence for which such penalty shall be inflicted or the cause of forfeiture is set forth in the words of this or any other such Act as aforesaid or in words to the like effect and no such information shall be quashed for want of form or for any mere literal or clerical errors or omissions not affecting the substantial merits or justice of the case.

Proof of the officer's appointment unnecessary.

CLII. In case of any information or proceeding under this Act or any Act now or hereafter in force relating to the distillation of spirits the averment that the person prosecuting such information or proceeding is an inspector of distilleries shall be sufficient proof of the appointment of such inspector of distilleries without proof of the appointment of such inspector of distilleries unless the defendant shall in such case prove to the contrary.

Officer to have notice of action.

CLIII. No writ shall be sued out nor a copy of any process served upon any inspector of distilleries or other person acting under the authority of this Act or of any Act which may hereafter be in force for the regulation of distilleries for anything done in the exercise of his office until one calendar month after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent for the party who intends to sue out such writ or process in which notice shall be clearly and explicitly contained the cause of action the name and place of abode of the person who is to bring such action and the name and place of abode of the attorney or agent and no evidence of the cause of such action shall be produced except of such as shall be contained in such notice and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given and in default of such proof the defendant shall obtain in such action a verdict and costs.

CLIV. Every

Distillation.

CLIV. Every such action shall be brought within three calendar months after the cause thereof and the defendant may plead the general issue and give the special matter in evidence and if the plaintiff shall become nonsuited or shall discontinue the action or if upon a verdict of demurrer judgment shall be given against the plaintiff the defendant shall receive treble costs and have remedy of the plaintiff as any defendant can have in other cases where costs are given by law.

Actions to be brought within three months, &c.

CLV. In case any information or suit shall be brought to trial on account of any seizure made under this Act and a verdict shall be found for the claimant thereof and the judges or court before whom the cause shall have been tried shall certify upon the record that there was reasonable and probable cause of seizure the claimant shall not be entitled to any costs of suit nor shall the person who made such seizure be liable to any action or other suit or prosecution on account of such seizure and if any action or other suit or prosecution shall be brought to trial against any person on account of such seizure wherein a verdict shall be given against such defendant the plaintiff besides the things seized or the value thereof shall not be entitled to more than one shilling damages nor to any cost of suit, nor shall the defendant in such prosecution be fined more than one shilling.

Judge may certify probable cause of seizure.

CLVI. It shall be lawful for any inspector of distilleries or other person as aforesaid within one calendar month after such to tender amends to the party complaining or his agent and to plead such tender in bar to any action together with other pleas and if the jury shall find the amends sufficient they shall give a verdict for the defendant and in such case or in case the plaintiff shall become nonsuited or discontinue his action or judgment shall be given for the defendant upon demurrer then such defendant shall be entitled to like costs as he would have been entitled to in case he had pleaded the general issue only Provided that it shall be lawful for such defendant by leave of the court where such action shall be brought at any time before issue joined to pay money into court as in other cases.

Officer may tender amends.

CLVII. All spirits and other property seized under the provisions of this Act shall be considered as forfeited and condemned unless claimed within ten days after the same shall be so seized and shall be sold by public auction and all such claims for spirits or other property so seized as forfeited shall be lodged within the time hereinbefore mentioned with the Commissioner of Trade and Customs.

Property seized to be claimed within ten days.

Claims to be lodged with Commissioner of Trade and Customs.

CLVIII. No claim to any spirits or other property seized under this Act and returned into any of Her Majesty's courts for adjudication shall be admitted and no appearance shall be permitted to be entered to any information filed for the forfeiture of any spirits or other property seized for any cause of forfeiture under this Act or under any Act which may hereafter be in force for regulating distillation unless such claim or appearance be entered in the name of the owner of such spirits or other property so seized describing the place of residence and the business or profession of such owner and if such owner shall reside in Melbourne or within twenty miles thereof oath shall be made before one of the judges of the court in which such information is filed or before one of the justices of the court of petty sessions before whom any cause of forfeiture shall be tried for spirits or other property seized as forfeited under this or such other Acts as aforesaid that the spirits or other property so seized was or were really and truly the property of him at the time of such seizure but if such owner shall not be resident in Melbourne or within twenty miles thereof then and in such case such oath shall be made in a like manner by the agent attorney or

Admission of claims to property seized.

Distillation.

or solicitor by whom such appearance shall be entered that he has full power and legal authority and directions from such owner to enter such appearance and to the best of his knowledge and belief such spirits and other property were at the time of the seizure thereof *bona fide* the real property of the party in whose name such appearance is entered and on failure thereof the spirits and other property shall be absolutely condemned and judgment be entered thereon by default according to the usual method of proceeding of the court in the same manner as if no appearance had been entered thereto and every person who shall be convicted of making or taking a false oath to any of the facts hereinbefore directed or required to be sworn to shall be deemed to be guilty of wilful and corrupt perjury.

Claimant to enter into a recognizance.

CLIX. Upon the entry of any claim to any spirits or other property seized for any cause of forfeiture or of any appearance to any information filed for such forfeiture the person who shall enter such claim or appearance if such claimant shall reside within the colony shall be bound by a recognizance (to be entered into before one of the judges of the Supreme Court or justices of the peace before whom the said cause or matter is to be inquired into) with two sufficient sureties in the penalty of one hundred pounds to answer and pay the costs occasioned by such claim or appearance and if the owner shall not reside within the said colony then and in such case the agent attorney or solicitor by whose directions such claim or appearance shall be entered shall in like manner be bound with two sufficient sureties in like penalty to pay the costs occasioned by such claim or appearance.

Payment and distribution of penalties, &c.

CLX. All fines penalties and forfeitures recovered under this Act or any other Act for the time being in force relating to the distillation of spirits shall be paid to the Treasurer and shall be divided and applied as follows (that is to say) after deducting the charges of prosecution from the proceeds thereof one-third part of the net produce thereof shall be paid to the account of the consolidated revenue of Victoria and applied to the public uses of the colony and in support of the government thereof one-third part thereof to the person who shall sue for the same and one-third to the informer where such fines penalties and forfeitures are recovered in consequence of information being given to the seizing officer and when the said fines penalties and forfeitures are otherwise recovered the same are to be divided and applied as follows (that is to say) after deducting the said charges the one moiety or half of the net produce thereof as aforesaid to the public uses of the said colony and in support of the government thereof and the other moiety or half to be paid to the seizing officer or person suing for the said penalty Provided always that nothing herein contained shall be deemed or construed to affect or in any way to interfere with the right of Her Majesty her heirs and successors to pardon the offender and to remit the whole or any part of any such fine penalty or forfeiture as to Her Majesty shall seem meet.

Imprisonment of convicted parties.

CLXI. If in or upon any information suit or action brought before any judges of the said Supreme Court or any two or more justices of the peace as aforesaid for the recovery of any fines forfeitures or penalties imposed by this Act the party shall be convicted and sentenced to pay such fine or penalty and in case any such fine or penalty shall not be immediately paid or security given to the satisfaction of the court or justices before whom the case shall have been heard and determined for the due payment of such fine or penalty the party or parties who shall have been convicted and sentenced to pay such fine or penalty

Distillation.

penalty shall forthwith be committed to gaol there to remain for a period of not less than three months nor exceeding twelve calendar months unless such fine or penalty shall be sooner paid and such imprisonment shall in no case operate as a discharge of any such fine forfeiture or penalty.

CLXII. Any person who shall think himself aggrieved by any fine or penalty imposed by any justice or justices under the authority of this Act above the sum of ten pounds may appeal against the conviction to the next general or quarter sessions of the peace according to the provisions of any Act now or which may hereafter be in force for the regulation of appeals of the like nature and no conviction shall be quashed for mere want of form or for any literal or clerical errors or omissions not affecting the substantial merits or justice of the case. Appeal.

CLXIII. No writ of *certiorari* shall issue from Her Majesty's Supreme Court to remove any proceedings before any justice or justices of the peace under this or any other Act now or hereafter in force relating to the distillation of spirits nor shall any writ of *habeas corpus* issue to bring up the body of any person who shall have been convicted before any justice or justices of the peace under this or any other such Act unless the party against whom such proceedings shall have been directed or who shall have been so convicted or his attorney or agent shall state in an affidavit in writing to be duly sworn the grounds of objection to such proceedings or conviction and that upon the return of such writ of *certiorari* or *habeas corpus* no objection shall be taken or considered other than such as shall have been stated in such affidavit and it shall be lawful for any justice or justices of the peace and they are hereby required to amend any information conviction or warrant of commitment for any offence under any such Act at any time whether before or after conviction. No writ of *certiorari* to issue.

CLXIV. The following words and expressions employed in this Act shall have the meaning hereby assigned to them unless there be something in the subject or context repugnant to such construction. Interpretation of words.

The word "worts" shall be construed to mean all materials intended to be used in the process of distillation after the same shall have been mashed and before fermentation shall have commenced therein.

The word "wash" shall mean all such material so mashed after fermentation shall have commenced and before the same shall have been distilled.

The expression "low wines" shall mean all spirits drawn and produced by one distillation of wash.

The word "feints" shall mean spirits produced by the redistillation of low wines.

The word "spirits" shall mean and include alcohol brandy rum gin whisky low wines feints and every other description of spirituous liquor.

The expression "spent wash" shall mean the liquor which may remain in the wash still after the low wines shall have been extracted by distillation.

The word "proof" shall mean the ordinary and conventional degree of strength indicated as such by the instrument called Sykes's Hydrometer.

The word "distiller" shall mean and include any person making or keeping any wash fit for distillation or making low wines feints or spirits and any person having in his possession or use any still or stills.

The

Distillation.

The word "brewer" shall mean any maker of fermented malt liquor or any fermented liquor made from sugar or other saccharine matter and termed beer ale or porter or any maker of wine for sale and shall include every vendor of fermented liquors or wine made in Victoria in quantities not less than two gallons And

The expression "spirit merchant" shall mean any vendor of duty paid spirituous liquors wine or fermented malt liquors in quantities not less than two gallons or any person who shall expose the same for sale in any shop warehouse or premises except an auctioneer or a broker selling on account of a licensed wine and spirit merchant or brewer or a licensed publican.

The expression "illicit spirits" shall mean any spirits produced and made contrary to the provisions of this Act or on which the full duties shall not have been paid.

The word "premises" shall mean all the space included within wall or paling referred to in the twenty-ninth section of this Act.

The word "officer" shall mean any inspector or other person appointed by the Governor under the provisions of this Act.

Governor to make regulations.

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

Short title and commencement of Act.

CLXVI. This Act shall be cited in all proceedings as "The Distillation Act 1862" and shall come into operation within one month after the passing thereof.

SCHEDULES.

THE FIRST SCHEDULE.

Section 1.

Date of Act.	Title of Act.	Extent of Repeal.
18 Vic. No. 26.	"An Act to prevent Unlawful Distillation and to provide for the protection of the Revenue arising from the duties on Spirits."	The whole.
18 Vic. No. 27.	"An Act to consolidate and amend the Law relating to the distillation rectifying and compounding of Spirits, and to authorize and regulate the warehousing under bond, and the exportation free of duty of Spirits distilled within the colony of New South Wales, and to repeal certain laws relating thereto."	The whole.
14 Vic. No. 4.	"An Act to prevent the Adulteration of Malt Liquors."	The whole.
14 Vic. No. 22.	"An Act to amend the law with respect to the Distillation and Exportation of Spirits distilled in the colony of New South Wales."	The whole.
20 Vic. No. 4.	"An Act to amend the Law relating to the Vending of fermented and spiritous Liquors."	Sec. IV.
22 Vic. No. 68.	"An Act for granting a duty on Spirits distilled in Victoria."	The whole.

THE SECOND

Distillation.

THE SECOND SCHEDULE.

Section 6.

LICENSE TO DISTIL SPIRITS.

No. _____ Office of Commissioner of Trade and Customs.
 I do issue this license to _____ to distil spirits at the
 Distillery for the term of _____ commencing from the _____ day of _____ in
 the year _____ and ending on the _____ day of _____ in the year _____
 under the regulations of the Act of Council in such case made and provided.
 And I do hereby acknowledge to have received from the said _____ the
 sum of £ _____ for this license.

(Signed)

Commissioner of Trade and Customs.

No. 2.

FORM OF LICENSE FOR USE OF STILL FOR MANUFACTURING AND OTHER PURPOSES
 THAN THE DISTILLATION OF SPIRITS IN WHICH THE USE OF A STILL IS
 NECESSARY.

Office of Commissioner of Trade and Customs,
 Melbourne.

No. _____ I do issue this license to _____
 of _____ to use a still of _____ at _____
 for the purpose of _____
 for the term of _____ commencing on the _____
 day of _____ and ending on the thirty-first day of December in the
 year _____ under the regulations
 and I do hereby acknowledge to have received from the said _____
 the sum of _____ for this license.

(Signed)

Commissioner of Trade and Customs

THE THIRD SCHEDULE.

Section 6.

LICENSE TO RECTIFY AND COMPOUND SPIRITS.

No. _____ Office of Commissioner of Trade and Customs.
 I do issue this license to _____ to rectify and compound
 spirits at _____ for the term of _____ commencing from the
 day of _____ in the year _____ and ending on the _____ day of _____
 in the year _____ under the regulations of the Act of Council in such case made
 and provided.
 And I do hereby acknowledge to have received from the said _____ the
 sum of £ _____ for this license.

(Signed)

Commissioner of Trade and Customs.

THE FOURTH SCHEDULE.

Section 8

CERTIFICATE OF CHIEF INSPECTOR.

I hereby certify that I have inspected the premises described in the memorial
 hereto appended, that such premises comply with the requirement of the Act Victoria
 No. _____, and that the description thereof in the memorial before-mentioned
 and the accompanying plan is correct.

Chief Inspector of Distilleries.

THE FIFTH

Distillation.

Section 14.

THE FIFTH SCHEDULE.

No. 1.

RETURN showing the QUANTITY of BRANDY on hand, and the QUANTITY used in fortifying WINES, at the Vineyard, the property of

Date.		Proof Gallons.	Date.		Proof Gallons.
	Quantity on hand on the last day of last Quarter ...			Quantity used during the Quarter ending this day in fortifying gallons of Wine ...	
	Quantity made during the Quarter ending this day ...			Quantity remaining on hand	
				Quantity lost by natural waste	
	Total ...			Total ...	

I hereby certify that the above Return is true in every respect.

Proprietor.

To the Chief Inspector of Distilleries,
Melbourne, Victoria.

No. 2.

Section 22.

RETURN showing the QUANTITY of BRANDY on hand and the QUANTITY issued at by Licensed Maker of Brandy.

Date.		Proof Gallons.	Date.		Proof Gallons.
	Quantity of Brandy remaining on hand on the being the last day of the previous Quarter ...			Quantity of Brandy issued during the Quarter ended this day on payment of duty	
	Quantity of Brandy made during the Quarter ended this day ...			Quantity removed to a bonding warehouse this Quarter	
				Quantity exported this Quarter ...	
				Quantity used for fortifying gallons of Wine this Quarter ...	
				Quantity remaining on hand this day ...	
				Quantity lost by natural waste	
	Total ...			Total ...	

I certify that the above Return is to the best of my knowledge true in every respect.

Licensed Maker of Brandy.

To the Chief Inspector of Distilleries.

THE SIXTH

Distillation.

THE SIXTH SCHEDULE.

TABLE OF FEES FOR LICENSES.

Table with 4 columns: Description of license, Amount in £ s. d., and Section reference. Includes fees for stills for spirits, medical/chemical purposes, and brandy distillation.

THE SEVENTH SCHEDULE.

FORM OF REGISTRATION OF SPIRIT STORE, OR OF MATERIAL STORE.

Victoria Distillery. Licensed day of A D. Chief Inspector of Distilleries (or other officer appointed by His Excellency the Governor) do hereby register the store at this distillery for the reception of spirits when distilled [or of material to be used in the process of distillation as the case may be] being a building bounded on the north &c. [here give the inside measurement of the walls and their height &c. in feet and inches].

THE EIGHTH SCHEDULE.

TABLE showing the weight in pounds and decimal parts of a pound avoirdupois contained in one liquid gallon of spirits corresponding to the several indications of Sike's Hydrometer. Section 94.

Large table with 10 columns: Indication by Sike's Hydrometer (left), Pounds per Gallon (1-3 per cent loss for colored spirits), Indication by Sike's Hydrometer (right), Pounds per Gallon (1-3 per cent loss for white spirits). Rows range from 0 to 11.0.

Distillation.

THE EIGHTH SCHEDULE—continued.

Indication by Sykes's Hydrometer	Transparent or White Spirits.	Spirits colored—causing a loss of			Indication by Sykes's Hydrometer.	Transparent or White Spirits.	Spirits colored—causing a loss of		
		1 per cent.	2 per cent.	3 per cent.			1 per cent.	2 per cent.	3 per cent.
12 0	8 369	8 351	8 333	8 315	27 0	8 625	8 608	8 590	8 573
2	8 372	8 354	8 336	8 319	2	8 629	8 611	8 594	8 577
4	8 376	8 358	8 340	8 322	4	8 632	8 615	8 597	8 580
6	8 379	8 362	8 344	8 326	6	8 636	8 618	8 601	8 583
8	8 383	8 365	8 347	8 329	8	8 639	8 622	8 604	8 587
13 0	8 386	8 369	8 351	8 353	28 0	8 643	8 625	8 608	8 590
2	8 390	8 372	8 354	8 336	2	8 646	8 629	8 611	8 594
4	8 393	8 376	8 358	8 340	4	8 650	8 632	8 615	8 597
6	8 396	8 379	8 362	8 344	6	8 653	8 636	8 618	8 601
8	8 400	8 383	8 365	8 347	8	8 657	8 639	8 622	8 604
14 0	8 403	8 386	8 369	8 351	29 0	8 660	8 643	8 625	8 608
2	8 407	8 390	8 372	8 354	2	8 664	8 646	8 629	8 611
4	8 410	8 393	8 376	8 358	4	8 667	8 650	8 632	8 615
6	8 413	8 396	8 379	8 362	6	8 671	8 653	8 636	8 618
8	8 417	8 400	8 383	8 365	8	8 674	8 657	8 639	8 622
15 0	8 420	8 403	8 386	8 369	30 0	8 678	8 660	8 643	8 625
2	8 424	8 407	8 390	8 372	2	8 681	8 664	8 646	8 629
4	8 427	8 410	8 393	8 376	4	8 685	8 667	8 650	8 632
6	8 431	8 413	8 396	8 379	6	8 688	8 671	8 653	8 636
8	8 434	8 417	8 400	8 383	8	8 692	8 674	8 657	8 639
16 0	8 438	8 420	8 403	8 386	31 0	8 695	8 678	8 660	8 643
2	8 441	8 424	8 407	8 390	2	8 699	8 681	8 664	8 646
4	8 445	8 427	8 410	8 393	4	8 702	8 685	8 667	8 650
6	8 448	8 431	8 413	8 396	6	8 706	8 688	8 671	8 653
8	8 452	8 434	8 417	8 400	8	8 709	8 692	8 674	8 657
17 0	8 455	8 438	8 420	8 403	32 0	8 713	8 695	8 678	8 660
2	8 459	8 441	8 424	8 407	2	8 716	8 699	8 681	8 664
4	8 462	8 445	8 427	8 410	4	8 720	8 702	8 685	8 667
6	8 465	8 448	8 431	8 413	6	8 723	8 706	8 688	8 671
8	8 469	8 452	8 434	8 417	8	8 727	8 709	8 692	8 674
18 0	8 472	8 455	8 438	8 420	33 0	8 730	8 713	8 695	8 678
2	8 476	8 459	8 441	8 424	2	8 734	8 716	8 699	8 681
4	8 480	8 462	8 445	8 427	4	8 737	8 720	8 702	8 685
6	8 482	8 465	8 448	8 431	6	8 741	8 723	8 706	8 688
8	8 486	8 469	8 452	8 434	8	8 744	8 727	8 709	8 692
19 0	8 490	8 472	8 455	8 438	34 0	8 748	8 730	8 713	8 695
2	8 493	8 476	8 459	8 441	2	8 751	8 734	8 716	8 699
4	8 496	8 479	8 462	8 445	4	8 755	8 737	8 720	8 702
6	8 499	8 482	8 465	8 448	6	8 758	8 741	8 723	8 706
8	8 503	8 486	8 469	8 452	8	8 762	8 744	8 727	8 709
20 0	8 506	8 489	8 472	8 455	35 0	8 765	8 748	8 730	8 713
2	8 510	8 493	8 476	8 459	2	8 769	8 751	8 734	8 716
4	8 513	8 496	8 479	8 462	4	8 772	8 755	8 737	8 720
6	8 516	8 499	8 482	8 465	6	8 776	8 758	8 741	8 723
8	8 520	8 503	8 486	8 469	8	8 779	8 762	8 744	8 727
21 0	8 523	8 506	8 490	8 472	36 0	8 783	8 765	8 748	8 730
2	8 527	8 510	8 493	8 476	2	8 786	8 769	8 751	8 734
4	8 530	8 513	8 496	8 479	4	8 790	8 772	8 755	8 737
6	8 533	8 516	8 499	8 482	6	8 793	8 776	8 758	8 741
8	8 537	8 520	8 503	8 486	8	8 797	8 779	8 762	8 744
22 0	8 540	8 523	8 506	8 490	37 0	8 799	8 783	8 765	8 748
2	8 543	8 527	8 510	8 493	2	8 804	8 786	8 769	8 744
4	8 547	8 530	8 513	8 496	4	8 807	8 789	8 772	8 744
6	8 550	8 533	8 516	8 499	6	8 811	8 793	8 776	8 744
8	8 553	8 537	8 520	8 503	8	8 814	8 797	8 779	8 744
23 0	8 556	8 540	8 523	8 506	38 0	8 818	8 799	8 783	8 744
2	8 560	8 543	8 527	8 510	2	8 822	8 804	8 786	8 744
4	8 563	8 547	8 530	8 513	4	8 825	8 807	8 789	8 744
6	8 566	8 550	8 533	8 516	6	8 829	8 811	8 793	8 744
8	8 570	8 553	8 537	8 520	8	8 832	8 814	8 797	8 744
24 0	8 573	8 556	8 540	8 523	39 0	8 836	8 818	8 804	8 744
2	8 577	8 560	8 543	8 527	2	8 840	8 822	8 804	8 744
4	8 580	8 563	8 547	8 530	4	8 843	8 825	8 807	8 744
6	8 583	8 566	8 550	8 533	6	8 847	8 829	8 811	8 744
8	8 587	8 570	8 553	8 537	8	8 850	8 832	8 814	8 744
25 0	8 590	8 573	8 556	8 540	40 0	8 854	8 836	8 818	8 744
2	8 594	8 577	8 560	8 543	2	8 858	8 840	8 822	8 744
4	8 597	8 580	8 563	8 547	4	8 861	8 843	8 825	8 744
6	8 601	8 583	8 566	8 550	6	8 865	8 847	8 829	8 744
8	8 604	8 587	8 570	8 553	8	8 872	8 854	8 840	8 744
26 0	8 608	8 590	8 573	8 556	41 0	8 876	8 858	8 840	8 744
2	8 611	8 594	8 577	8 560	2	8 879	8 861	8 843	8 744
4	8 615	8 597	8 580	8 563	4	8 883	8 865	8 847	8 744
6	8 618	8 601	8 583	8 566	6	8 886	8 869	8 850	8 744
8	8 622	8 604	8 587	8 570	8	8 889	8 872	8 854	8 744

Distillation.

THE EIGHTH SCHEDULE—*continued.*

Indication by Sykes's Hydrometer.	Transparent or White Spirits	Spirits colored—causing a loss of			Indication by Sykes's Hydrometer.	Transparent or White Spirits	Spirits colored—causing a loss of		
		1 per cent.	2 per cent.	3 per cent.			1 per cent.	2 per cent.	3 per cent.
		Pounds per Gallon	Pounds per Gallon	Pounds per Gallon			Pounds per Gallon	Pounds per Gallon	Pounds per Gallon
42.0	8 890	8 872	8 854	8 836	57 0	9 167	9 148	9 130	9 111
.2	8 894	8 876	8 858	8 840	.2	9 170	9 152	9 134	9 115
.4	8 897	8 879	8 861	8 843	.4	9 174	9 156	9 137	9 118
.6	8 901	8 883	8 865	8 847	.6	9 178	9 159	9 141	9 122
.8	8 904	8 886	8 869	8 850	.8	9 182	9 163	9 145	9 126
43 0	8 908	8 890	8 872	8 854	58 0	9 185	9 167	9 148	9 130
.2	8 912	8 894	8 876	8 858	.2	9 189	9 170	9 152	9 134
.4	8 915	8 897	8 879	8 861	.4	9 192	9 174	9 156	9 137
.6	8 919	8 901	8 883	8 865	.6	9 196	9 178	9 159	9 141
.8	8 922	8 904	8 886	8 869	.8	9 200	9 182	9 163	9 145
44 0	8 926	8 908	8 890	8 872	59 0	9 204	9 185	9 167	9 148
.2	8 930	8 912	8 894	8 876	.2	9 207	9 189	9 170	9 152
.4	8 933	8 915	8 897	8 879	.4	9 210	9 192	9 174	9 156
.6	8 937	8 919	8 901	8 883	.6	9 214	9 196	9 178	9 159
.8	8 940	8 922	8 904	8 886	.8	9 218	9 200	9 182	9 163
45 0	8 944	8 926	8 908	8 890	60 0	9 222	9 204	9 185	9 167
.2	8 948	8 930	8 912	8 894	.2	9 226	9 207	9 189	9 170
.4	8 951	8 933	8 915	8 897	.4	9 229	9 210	9 192	9 174
.6	8 955	8 937	8 919	8 901	.6	9 233	9 214	9 196	9 178
.8	8 959	8 940	8 922	8 904	.8	9 237	9 218	9 200	9 182
46 0	8 963	8 944	8 926	8 908	61 0	9 241	9 222	9 204	9 185
.2	8 966	8 948	8 930	8 912	.2	9 244	9 226	9 207	9 189
.4	8 970	8 951	8 933	8 915	.4	9 248	9 229	9 210	9 192
.6	8 974	8 955	8 937	8 919	.6	9 252	9 233	9 214	9 196
.8	9 977	8 959	8 940	8 922	.8	9 255	9 237	9 218	9 200
47 0	8 981	8 963	8 944	8 926	62 0	9 259	9 241	9 222	9 204
.2	8 985	8 966	8 948	8 930	.2	9 263	9 244	9 226	9 207
.4	8 989	8 970	8 951	8 933	.4	9 267	9 248	9 229	9 210
.6	8 992	8 974	8 955	8 937	.6	9 270	9 252	9 233	9 214
.8	8 996	8 977	8 959	8 940	.8	9 274	9 255	9 237	9 218
48 0	9 000	8 981	8 963	8 944	63 0	9 278	9 259	9 241	9 222
.2	9 004	8 985	8 966	8 948	.2	9 282	9 263	9 244	9 226
.4	9 008	8 989	8 970	8 951	.4	9 286	9 267	9 248	9 229
.6	9 011	8 992	8 974	8 955	.6	9 291	9 270	9 252	9 233
.8	9 015	8 996	8 977	8 959	.8	9 295	9 274	9 255	9 237
49 0	9 019	9 000	8 981	8 963	64 0	9 299	9 278	9 259	9 241
.2	9 023	9 004	8 985	8 966	.2	9 302	9 282	9 263	9 244
.4	9 026	9 008	8 989	8 970	.4	9 306	9 286	9 267	9 248
.6	9 030	9 011	8 992	8 974	.6	9 310	9 291	9 270	9 252
.8	9 034	9 015	8 996	8 977	.8	9 314	9 295	9 274	9 255
50 0	9 038	9 019	9 000	8 981	65 0	9 318	9 299	9 278	9 259
.2	9 041	9 023	9 004	8 985	.2	9 322	9 302	9 282	9 263
.4	9 045	9 026	9 008	8 989	.4	9 326	9 306	9 286	9 267
.6	9 049	9 030	9 011	8 992	.6	9 329	9 310	9 291	9 270
.8	9 052	9 034	9 015	8 996	.8	9 333	9 314	9 295	9 274
51 0	9 056	9 038	9 019	9 000	66 0	9 337	9 318	9 299	9 278
.2	9 060	9 041	9 023	9 004	.2	9 341	9 322	9 302	9 282
.4	9 064	9 045	9 026	9 008	.4	9 345	9 326	9 306	9 286
.6	9 067	9 049	9 030	9 011	.6	9 349	9 329	9 310	9 291
.8	9 071	9 052	9 034	9 015	.8	9 353	9 333	9 314	9 295
52 0	9 075	9 056	9 038	9 019	67 0	9 357	9 337	9 318	9 299
.2	9 079	9 060	9 041	9 023	.2	9 360	9 341	9 322	9 302
.4	9 082	9 064	9 045	9 026	.4	9 364	9 345	9 326	9 306
.6	9 085	9 067	9 049	9 030	.6	9 368	9 349	9 329	9 310
.8	9 089	9 071	9 052	9 034	.8	9 372	9 353	9 333	9 314
53 0	9 093	9 075	9 056	9 038	68 0	9 376	9 357	9 337	9 318
.2	9 097	9 079	9 060	9 041	.2	9 380	9 360	9 341	9 322
.4	9 100	9 082	9 064	9 045	.4	9 384	9 364	9 345	9 326
.6	9 104	9 085	9 067	9 049	.6	9 388	9 368	9 349	9 329
.8	9 107	9 089	9 071	9 052	.8	9 392	9 372	9 353	9 333
54 0	9 111	9 093	9 075	9 056	69 0	9 396	9 376	9 357	9 337
.2	9 115	9 097	9 079	9 060	.2	9 399	9 380	9 360	9 341
.4	9 118	9 100	9 082	9 064	.4	9 403	9 384	9 364	9 345
.6	9 122	9 104	9 085	9 067	.6	9 407	9 388	9 368	9 349
.8	9 126	9 107	9 089	9 071	.8	9 411	9 392	9 372	9 353
55 0	9 130	9 111	9 093	9 075	70 0	9 415	9 396	9 376	9 357
.2	9 134	9 115	9 097	9 079	.2	9 419	9 399	9 380	9 360
.4	9 137	9 118	9 100	9 082	.4	9 422	9 403	9 384	9 364
.6	9 141	9 122	9 104	9 085	.6	9 425	9 407	9 388	9 368
.8	9 145	9 126	9 107	9 089	.8	9 430	9 411	9 392	9 372
56 0	9 148	9 130	9 111	9 093	71 0	9 434	9 415	9 396	9 376
.2	9 152	9 134	9 115	9 097	.2	9 437	9 419	9 399	9 380
.4	9 156	9 137	9 118	9 100	.4	9 441	9 422	9 403	9 384
.6	9 159	9 141	9 122	9 104	.6	9 445	9 426	9 407	9 388
.8	9 163	9 145	9 126	9 107	.8	9 448	9 430	9 411	9 392

Distillation.

THE EIGHTH SCHEDULE—*continued.*

Indication by Sykes's Hydrometer.	Transparent or White Spirits.	Spirits colored—causing a loss of			Indication by Sykes's Hydrometer.	Transparent or White Spirits.	Spirits colored—causing a loss of		
		1 per cent	2 per cent	3 per cent			1 per cent	2 per cent	3 per cent.
		Pounds per Gallon.	Pounds per Gallon.	Pounds per Gallon.			Pounds per Gallon.	Pounds per Gallon.	Pounds per Gallon.
72 0	9 452	9 434	9 415	9 396	86 0	9 726	9 705	9 685	9 665
2	9 456	9 437	9 419	9 399	2	9 730	9 709	9 689	9 669
4	9 460	9 441	9 422	9 403	4	9 734	9 713	9 693	9 673
6	9 464	9 445	9 426	9 407	6	9 738	9 718	9 697	9 677
8	9 468	9 448	9 430	9 411	8	9 742	9 722	9 701	9 681
73 0	9 472	9 452	9 434	9 415	87 0	9 746	9 726	9 705	9 685
2	9 476	9 456	9 437	9 419	2	9 750	9 730	9 709	9 689
4	9 480	9 460	9 441	9 422	4	9 754	9 734	9 713	9 693
6	9 484	9 464	9 445	9 426	6	9 758	9 738	9 718	9 697
8	9 488	9 468	9 448	9 430	8	9 762	9 742	9 722	9 701
74 0	9 492	9 472	9 452	9 434	88 0	9 766	9 746	9 726	9 705
2	9 496	9 476	9 456	9 437	2	9 770	9 750	9 730	9 709
4	9 499	9 480	9 460	9 441	4	9 774	9 754	9 734	9 713
6	9 503	9 484	9 464	9 445	6	9 778	9 758	9 738	9 718
8	9 507	9 488	9 468	9 448	8	9 782	9 762	9 742	9 722
75 0	9 511	9 492	9 472	9 452	89 0	9 786	9 766	9 746	9 726
2	9 515	9 496	9 476	9 456	2	9 790	9 770	9 750	9 730
4	9 519	9 499	9 480	9 460	4	9 794	9 774	9 754	9 734
6	9 522	9 503	9 484	9 464	6	9 798	9 778	9 758	9 738
8	9 526	9 507	9 488	9 468	8	9 802	9 782	9 762	9 742
76 0	9 530	9 511	9 492	9 472	90 0	9 806	9 786	9 766	9 746
2	9 534	9 515	9 496	9 476	2	9 810	9 790	9 770	9 750
4	9 538	9 519	9 499	9 480	4	9 814	9 794	9 774	9 754
6	9 542	9 522	9 503	9 484	6	9 818	9 798	9 778	9 758
8	9 546	9 526	9 507	9 488	8	9 822	9 802	9 782	9 762
77 0	9 550	9 530	9 511	9 492	91 0	9 826	9 806	9 786	9 766
2	9 553	9 534	9 515	9 496	2	9 830	9 810	9 790	9 770
4	9 557	9 538	9 519	9 499	4	9 834	9 814	9 794	9 774
6	9 561	9 542	9 522	9 503	6	9 838	9 818	9 798	9 778
8	9 565	9 546	9 526	9 507	8	9 842	9 822	9 802	9 782
78 0	9 569	9 550	9 530	9 511	92 0	9 846	9 826	9 806	9 786
2	9 573	9 553	9 534	9 515	2	9 850	9 830	9 810	9 790
4	9 577	9 557	9 538	9 519	4	9 854	9 834	9 814	9 794
6	9 580	9 561	9 542	9 522	6	9 858	9 838	9 818	9 798
8	9 584	9 565	9 546	9 526	8	9 862	9 842	9 822	9 802
79 0	9 588	9 569	9 550	9 530	93 0	9 866	9 846	9 826	9 806
2	9 592	9 573	9 553	9 534	2	9 870	9 850	9 830	9 810
4	9 596	9 577	9 557	9 538	4	9 874	9 854	9 834	9 814
6	9 599	9 580	9 561	9 542	6	9 878	9 858	9 838	9 818
8	9 603	9 584	9 565	9 546	8	9 882	9 862	9 842	9 822
80 0	9 607	9 588	9 569	9 550	94 0	9 886	9 866	9 846	9 826
2	9 611	9 592	9 573	9 553	2	9 890	9 870	9 850	8 830
4	9 615	9 596	9 577	9 557	4	9 894	9 874	9 854	9 834
6	9 619	9 599	9 580	9 561	6	9 898	9 878	9 858	9 838
8	9 623	9 603	9 584	9 565	8	9 902	9 880	9 862	9 842
81 0	9 627	9 607	9 588	9 569	95 0	9 906	9 886	9 866	9 846
2	9 631	9 611	9 592	9 573	2	9 910	9 890	9 870	9 850
4	9 635	9 615	9 596	9 577	4	9 914	9 894	9 874	9 854
6	9 638	9 619	9 599	9 580	6	9 918	9 898	9 878	9 858
8	9 642	9 623	9 603	9 584	8	9 922	9 902	9 882	9 862
82 0	9 646	9 627	9 607	9 588	96 0	9 926	9 906	9 886	9 866
2	9 650	9 631	9 611	9 592	2	9 930	9 910	9 890	9 870
4	9 654	9 635	9 615	9 596	4	9 934	9 914	9 894	9 874
6	9 657	9 638	9 619	9 599	6	9 938	9 918	9 898	9 878
8	9 661	9 642	9 623	9 603	8	9 942	9 922	9 902	9 882
83 0	9 665	9 646	9 627	9 607	97 0	9 946	9 926	9 906	9 886
2	9 669	9 650	9 631	9 611	2	9 950	9 930	9 910	9 890
4	9 673	9 654	9 635	9 615	4	9 954	9 934	9 914	9 894
6	9 677	9 657	9 638	9 619	6	9 958	9 938	9 918	9 898
8	9 681	9 661	9 642	9 623	8	9 962	9 942	9 922	9 902
84 0	9 685	9 665	9 646	9 627	98 0	9 966	9 946	9 926	9 906
2	9 689	9 669	9 650	9 631	2	9 970	9 950	9 930	9 910
4	9 693	9 673	9 654	9 635	4	9 974	9 954	9 934	9 914
6	9 697	9 677	9 657	9 638	6	9 978	9 958	9 938	9 918
8	9 701	9 681	9 661	9 642	8	9 982	9 962	9 942	9 922
85 0	9 705	9 685	9 665	9 646	99 0	9 986	9 966	9 946	9 926
2	9 709	9 689	9 669	9 650	2	9 990	9 970	9 950	9 930
4	9 713	9 693	9 673	9 654	4	9 993	9 974	9 954	9 934
6	9 718	9 697	9 677	9 657	6	9 997	9 978	9 958	9 938
8	9 722	9 701	9 681	9 661	8	10 000	9 982	9 962	9 942

Distillation.

THE NINTH SCHEDULE.

Section 135.

No. 1

REGISTRATION OF BREWERS.

From day of 18 .
To day of 18 .

Name of Brewer,
Description and situation of premises, as follows:—

Premises where Business is carried on	...	...	.....
Nature of Building	...	...	.....
Size of Cellar, if any	...	...	.....
Whether surrounded by wall or fence	...	...	.....
If registered as Brewer, whether manufacturer, bottler, or dealer	}		.....
Power of Steam Engine, if used	...	...	.....
Number and capacity of Wort Boilers	...	...	.....
Manner of boiling Worts, whether by direct action of fire or by steam	}		.....
Manner of cooling Worts, whether by open cooler or by pipes	}		.....
Average number of Barrels brewed per month	...	...	.....
Average quantity of Sugar used	ditto	...	.....
Average quantity of Malt used	ditto	...	.....
Averaged quantity of other materials	ditto	...	.....

Registered by me, day of 18 .

No. 2.

Section 143.

REGISTRATION OF WINE AND SPIRIT MERCHANT.

From day of 18 .
To day of 18 .

Name of Wine and Spirit Merchant,
Description and situation of Premises,

Registered by me, day of 18 .

TENTH SCHEDULE.

Sections 133-143.

FORM OF CERTIFICATE AS BREWER OR WINE AND SPIRIT MERCHANT.

Court House, at
day of 18

I certify that
of registered Name and Premises as
from the day of to the 31st December, 18 .

ELEVENTH SCHEDULE.

Section 144.

No. 1.

FORM OF LICENSE TO WINE AND SPIRIT MERCHANT.

No. Whereas of Treasury has paid into my office
the sum of I do hereby license the
said to sell in quantities of not less than two imperial gallons
spirituous liquors wine or fermented malt liquors upon all of which the duty has been paid
from the day of in the year to the
thirty-first day of December in the year under the provisions of the Act

No. 2.

Distillation.

Section 133

No. 2.

FORM OF LICENSE TO BREWER.

No. _____ Treasury _____
 Whereas _____ of _____ has paid into my office
 the sum of _____ I do hereby license the
 said _____ to carry on the business of Brewer or to sell in quantities of
 not less than two gallons beer ale porter or wine made in the Colony of Victoria upon none
 of which duty is chargeable from the _____ day of _____
 in the year _____ to the thirty-first day of December in the year _____ under the
 provisions of the Act _____

Section 150.

THE TWELFTH SCHEDULE.

FORM OF INFORMATION BEFORE JUSTICES OF THE PEACE.

Victoria }
 to wit }
 Be it remembered that on the _____ day of _____ in the year of our
 Lord _____ A. B. Chief Inspector of Distilleries [*or Inspector of*
Distilleries as the case may be] who is directed by the Chief Inspector of Distilleries to
 prefer this information gives me _____ Esquire one of Her Majesty's
 Justices of the Peace to understand and be informed that C D on the _____ day
 of _____ in the year of our Lord [*here state the offence*]
 contrary to the form of the Act in that case made and provided, whereby the said C.D.
 hath forfeited the sum of _____

Section 150.

THE THIRTEENTH SCHEDULE.

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

Victoria }
 to wit. }
 Be it remembered that on the _____ day of _____ in the year of our
 Lord _____ an information was exhibited by A. B Chief Inspector of Distilleries
 [*or Inspector of Distilleries as the case may be*] before us _____
 Esquires two of Her Majesty's Justices of the Peace of
 the said Colony against C. D. which said information charged that the said C D. on the
 day of _____ in the year of our Lord
 [*here state the offence as in the Information*] contrary to the form of the
 Act in such case made and provided which offence has been duly proved before us the said
 Justices We do therefore convict the said C. D. of the said offence and do adjudge that the
 said C. D. hath forfeited for his said offence the sum of _____
 Given under our hands and seals this _____ day of _____ in the year
 of our Lord _____

THE FOURTEENTH SCHEDULE.

FORM OF WARRANT OF COMMITMENT TO GAOL FOR A PENALTY.

Victoria } To A. B constable and to E. F. the gaoler or keeper of the
 to wit. } _____ in the _____
 Whereas C D has been duly convicted before us _____ Esquires
 two of Her Majesty's Justices of the Peace for the said Colony, of having
 [*here state the offence as in the Information*]
 And whereas we the said Justices did adjudge that the said C. D. hath forfeited for
 his said offence, the sum of _____ and whereas the said sum was not immediately
 paid nor security given to our satisfaction for the due payment thereof These are therefore
 to require you the said A. B forthwith to take carry and convey the said C D to the
 at _____ in the _____ and to deliver him into the custody of
 the gaoler or keeper of the said _____ and we the said Justices do hereby authorize
 and require the said E F the gaoler or keeper of the said _____ to receive the
 said C. D. into his custody, and him safely to keep for the period of _____
 unless he shall sooner pay the said sum of _____ or otherwise be delivered
 by due course of law
 Given under our hands and seals at _____ in the _____ this
 day of _____ in the year of our Lord _____

MELBOURNE :

By Authority : JOHN FERRES, Government Printer.