

No. VIII.

COLONIAL
DISTILLATION.

An Act to explain and amend the Laws relating to Distillers and Rectifiers in the Colony of New South Wales. [22nd November, 1843.]

Preamble.

3 Victoria No. 9.

No materials to be used in the process of rectification which can add to the quantity of alcohol contained in the spirits to be rectified.

WHEREAS an Act of the Governor and Legislative Council of New South Wales was passed in the third year of the reign of Her present Majesty intituled "*An Act to consolidate and amend the Laws for the Distillation of Spirits in the Colony of New South Wales and for the issue of Licenses for distilling rectifying and compounding Spirits therein and for repealing certain Laws relating thereto*" and whereas it is expedient to declare in some respects the true intent and meaning of the said Act and in other respects to amend the same Be it therefore declared and enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That it shall not be lawful for any person holding only a license to rectify or compound spirits to use in the process of rectifying such spirits any material whatsoever which may add to the quantity of alcohol contained in the spirits to be rectified.

Colonial Distillation.

2. And be it declared and enacted That any person holding only a license to rectify or compound spirits who may in the process of rectification make use of any wine wort wash or other liquor or material from which alcohol may be produced other than spirits on which duty has been paid shall be liable to the full penalty or penalties to which persons are by the said Act subjected who may be engaged in illicit distillation notwithstanding that the duty on the importation of any such wine wort wash or other liquor or material may have been duly paid.

Rectifiers using any such materials or ingredients liable to penalties for illicit distillation.

3. And whereas it is necessary to make further provision for the protection of the Revenue Be it enacted That if any rectifier or compounder of spirits shall have in his her or their possession and on the premises wherein the business of rectifying or compounding is carried on any wine wort wash or other liquor or material prepared for or fit for the purpose or capable of being distilled into low wines or spirits or shall have in his her or their possession any spirit on which duty has not been paid shall in addition to every other penalty or forfeiture to which he or she may be liable under any law in force in the Colony forfeit and pay the sum of five hundred pounds and that all such wine wash wort or other materials so found contrary to law may be seized by any Officer of Customs Inspector of Distilleries or officer duly appointed by the said Governor to make seizures under the aforesaid Act passed in the third year of Her Majesty's reign.

Rectifiers not to have on their premises any wine wort or other materials from which alcohol can be extracted except spirits on which duty has been paid.

4. And be it enacted That all cellars vaults outbuildings or warehouses occupied by any rectifier or compounder of spirits shall be deemed and taken to be premises occupied by him within the meaning of this Act unless such cellars vaults outbuildings or warehouses shall be separated from the premises in which any still belonging to such rectifier or compounder is erected by a wall of brick or stone at least ten feet high having no door gateway or other entrance in or passage through it.

What shall be deemed premises occupied by rectifiers.

5. And be it enacted That the still or stills of any rectifier or compounder of spirits shall be erected in some conspicuous part of the premises to be approved of by the Chief Inspector of Distilleries wherein it is intended to carry on the aforesaid business and shall be detached from all stores or other buildings.

Where stills to be erected.

6. And be it enacted That it shall not be lawful for any rectifier or compounder of spirits to charge his still or to commence the rectifying or compounding of spirits without first giving notice to an Inspector of Distilleries either personally or at his usual place of abode of his intention so to do and such notice shall be given in writing at least twelve hours before such rectifier or compounder shall charge his still and shall contain full particulars of what quantity or description of spirits it is his intention to rectify under a penalty of fifty pounds.

Notice of intention to rectify to be given to an Inspector of Distilleries.

7. And whereas doubts have been raised as to the power of the Governor of the said Colony to refuse a license to a rectifier or distiller and it is expedient to remove such doubts Be it hereby declared and enacted That it shall be lawful for the Governor or person administering the Government of the Colony of New South Wales to refuse or withhold or cause to be refused or withheld for the space of twelve months from and after the passing of this Act the issue of a license to any person or persons who may apply for such license for the purpose of commencing the business of a distiller rectifier or compounder of spirits in the said Colony.

The Governor may refuse to issue a license to a rectifier or a distiller for twelve months after the passing of this Act.

8. And be it enacted That no person licensed or having been licensed to distil rectify or compound spirits shall be capable of obtaining the renewal of any such license for three years after such person shall

Prohibiting the renewal of the license of any person convicted of offence against the Revenue.

Light-houses.

shall have been convicted of any offence against the said recited Act or against any other Act relating to the Revenue of the said Colony.

Persons convicted of offence against the Revenue prohibited from holding licenses.

9. And be it enacted That no person who shall have been convicted of any offence against the said recited Act or against any Act relating to the Revenue of the said Colony shall be capable during three years after such conviction of holding a license to distil rectify or compound spirits.

Rectifiers before obtaining licenses to enter into bond with two sureties.

10. And be it enacted That from and after the passing of this Act no license shall be granted or renewed to any person or persons for rectifying and compounding spirits until the person or persons applying for the same together with two sufficient sureties shall enter into a recognizance before the Colonial Treasurer or other person appointed by the Governor for that purpose payable to Her Majesty in the sum of three hundred pounds conditioned for the due and faithful observance of all the laws in force in the Colony in respect to the rectifying or compounding of spirits.

No still to be fitted with a wash warmer or double worm.

11. And be it enacted That no licensed rectifier or compounder of spirits shall have any still fitted with a wash warmer or a double worm under a penalty of one hundred pounds.

Recovery and application of penalties.

12. And be it enacted That all penalties and forfeitures imposed by this Act may be recovered and applied in like manner as is provided with respect to penalties by the said recited Act.