



WESTERN AUSTRALIA

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. XVI.

AN ORDINANCE to encourage the Cultivation of the Vine by permitting Distillation of the produce thereof, under certain restrictions.

[15th July, 1863.]

WHEREAS it would promote the culture of the Vine, if persons were enabled to distil the produce thereof, and to fortify Wine manufactured in the Colony, with the Spirit so distilled; Be it therefore enacted by His Excellency the Governor of Western Australia, and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. THAT it shall be lawful for any person in the occupation of a Vineyard consisting of at least Five acres of land, who shall have obtained from the Collector of Revenue a licence, to use a Still of not more than one hundred gallons content, for the purpose of distilling the produce of the Vine the growth of the said Colony.

Any licensed person may use one still.

2. THAT any person wishing to obtain such Licence shall give and execute to the Collector of Revenue a Bond, with two sufficient sureties, in the sum of Two Hundred Pounds, in the form A in the

Licence to use still how obtained.

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Schedule hereto, conditioned as in the said Bond is set forth; and thereupon the said Collector of Revenue shall, if he deems it expedient so to do but not otherwise, issue the Licence aforesaid; Provided, such license shall continue and be in force until the Thirty-first day of December next after the date thereof. And any person who shall have in his possession any Still, without having previously obtained such licence, shall forfeit and pay not less than One Hundred Pounds nor more than Five Hundred Pounds.

Person licensed to provide
storehouse.

3. THAT every person so licensed as aforesaid, shall provide and keep at his distillery, a separate, convenient, and secure Storehouse or room, for the purpose of depositing, storing, and securing therein, the Spirits distilled by him under the provisions of this Ordinance; such Storehouse or room to be such as shall be approved by the Collector of Customs or other proper officer of Customs.

Still to be under the con-
trol of Customs.

4. THAT every Still used or about to be used or kept, under the provisions of this Ordinance, shall at all times be under the control of such Collector of Customs or other officer of Customs appointed by him for that purpose; and after such Still shall have been used from time to time such officer of Customs shall remove the Still head and such Still and the Still head and worm thereto belonging, shall be at all times so kept and secured as in the judgment of the Collector of Customs shall prevent the illicit use thereof.

Notice of intention to
use Still to be given

5. THAT every person who shall have obtained such license, shall leave at the nearest Police Office or Station, a Notice in writing of the place where and the time when he intends to commence and cease to distil, at least three days prior to such commencement, and also a like notice of his intention to recommence such distillation after any discontinuance thereof, and every such notice shall be delivered at such Police Office or Station, or forwarded through the nearest Post Office as a registered letter; and such person shall not use such Still unless in the presence of the proper officer of Customs, who shall be in charge thereof during all the time it shall be at work or in use. And every person who shall distil without having given such notice, or in the absence of the proper officer of Customs, shall forfeit and pay a penalty of One hundred pounds.

Licence may be with-
drawn.

6. THAT if a holder of such licence shall at any time contravene any of the provisions of this Ordinance, or any of the Rules or Regulations to be made in pursuance hereof, it shall be lawful for the Collector of Revenue to withdraw such licence, and to cause such withdrawal to be published in the Government Gazette.

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7. THAT any person so licensed as aforesaid wishing to sell or dispose of or in any manner use any Spirits so distilled, shall first put or run the same into casks provided for that purpose at his own expense, and such casks of Spirits shall be lodged and secured in the said Storehouse or room under the locks of the Crown, and in charge of the proper officer of the Customs who has the control of such Still, who shall from time to time inspect and gauge such casks of Spirits, and place a seal thereon. And such Storehouse or room shall not be opened for any purpose whatsoever except in the presence of such officer of Customs; Provided that if such Storehouse or room shall not be provided and kept by the person holding such licence, to the satisfaction of such officer of Customs, such casks of Spirits, and Still head, may, at the option of such officer of Customs, be removed to the nearest Bonding Store, at the expense and risk of the person so licensed.

Spirits to be placed in Storehouse or room in charge of the Customs.

8. THAT upon all Spirits distilled under the provisions of this Ordinance, and which shall be lodged and secured as aforesaid, except Spirits used for fortifying Wine as hereinafter provided, there shall be levied a rate or duty of Eleven shillings for each imperial gallon of such Spirits, not exceeding the strength of proof by Syke's hydrometer, and so in proportion for Spirits of any greater strength than the strength of proof, and the same shall be paid to the Collector of Customs, or other person appointed to receive the same, for the public use of the said Colony.

Duty on spirits distilled.

9. THAT it shall be lawful for the Governor, subject to such regulations as he may from time to time establish, to authorise the delivery, duty free, of any Spirits distilled under this Ordinance, used or intended to be used by the manufacturer thereof, or by any person to whom the same may have been sold or disposed of, for the purpose of admixture with any quantity of Wine made from Grapes the produce of the said Colony, not being less than one hundred gallons. Provided the quantity of Spirits so delivered, duty free, for the purpose aforesaid, does not exceed the proportion of Eight gallons of proof Spirits to One hundred gallons of Wine so manufactured and fortified as aforesaid.

Governor may permit Colonial wine to be fortified by Spirit, duty free.

10. THAT any person who shall sell, barter, or purchase, or offer to sell barter or purchase, or who shall in anywise use or dispose of any Spirits distilled under the provisions of this Ordinance, without the same being previously placed in such Storehouse or room in charge of the proper officer of Customs as aforesaid, shall for every such offence, forfeit and pay the sum of One hundred pounds.

Penalty for illegally selling spirits.

27° VICTORIÆ, No. 16.

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- Spirits to be forfeited.** **11.** THAT all spirits distilled, sold, bartered, or otherwise disposed of, or purchased, or offered to be sold, or bartered, purchased, or otherwise disposed of, or removed, contrary to the provisions of this Ordinance, shall be forfeited.
- Spirits not to be removed** **12.** THAT it shall not be lawful to remove any spirits distilled under the provisions of this Ordinance, from such storehouse or room where the same are lodged and secured, without having a permit to remove the same, signed by the Collector of Customs, or the officer of Customs in charge thereof, or by any other officer duly appointed for that purpose.
- Governor to make rules.** **13.** THAT it shall be lawful for the Governor, with the advice of the Executive Council, to make such Rules and Regulations as he may consider necessary to carry the provisions of this Ordinance into effect, and from time to time to alter, vary, or annul the same, or any one or more of them, and to make another or others instead thereof, and to appoint such officers, or other persons to carry the provisions of this Ordinance into effect, as he may deem fit and proper.
- Police Constable** **14.** THAT it shall be lawful for any Justice of the Peace, Police Constable, officer of Customs, or any other person or persons duly appointed by the Collector of Customs for that purpose, to visit and inspect at any time, and from time to time, the premises upon which a Still is being used or kept; and if any person shall oppose any such Justice, Constable, officer, or other person in the execution of his duty, he shall be liable to a penalty of any sum not exceeding Twenty pounds.
- Fees and rents.** **15.** THAT the fees and rents set forth in Schedule B hereto, shall and may be demanded and received under this Ordinance.
- Penalties, how recovered.** **16.** THAT all penalties, forfeitures, fees, and rents, hereby imposed and authorised, shall be recoverable in a summary manner before any two or more Justices of the Peace.
- Schedules.** **17.** THAT the Schedules to this Ordinance, and the marginal notes and directions to such Schedules, shall be deemed a part hereof.
- Sections of Shortening Ordinance.** **18.** THAT Sections A, E, G, H and I of "The Shortening Ordinance of 1853," shall be incorporated with and taken to form a part of this Ordinance to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth herein.

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19. THAT all penalties and forfeitures hereby imposed shall be paid or applied, one moiety to the Colonial Treasurer in aid of the General Revenue, and the other moiety shall be divided between the seizing officer and the person giving the information which led to the seizure, in such proportions as the Governor may decide, or if there may be no person giving such information, then such moiety or any part thereof, shall be paid or given to the seizing officer as the Governor shall from time to time direct, and the overplus, if any, shall be paid to the Colonial Treasurer in aid of the general Revenue.

Penalties, how applied.

20. THAT if this Ordinance, or any part thereof, shall be repealed or disallowed at any time hereafter, and any person shall have incurred or been put to expense in procuring a Still, or in erecting a distillery in the meantime, such person shall not be entitled to claim or receive from the Government, any compensation whatsoever for or on account of such expense.

No compensation, if Ordinance repealed.

21. THAT nothing herein contained shall repeal, or be construed to repeal, a certain Ordinance passed in the 23rd year of the reign of Her present Majesty, intituled, "*An Ordinance to consolidate and amend the laws prohibiting the distillation of ardent spirits in Western Australia, and for repealing a certain Ordinance relating thereto,*" further than so far as is necessary to give effect to the provisions hereof.

Not to repeal 23rd. Vict. No. 11.

22. THAT this Ordinance may be cited as "The Vineyard Distillation Ordinance, 1863."

Short Title.

J. S. HAMPTON,

GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council,
this 15th day of July, 1863.*

G. E. HAMPTON,

Clerk of the Council.

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A.

(a) insert the applicant's names, (b) residence and calling, (c) names of surety, (d) Collector's or acting Collector's name, as the case may be.

KNOW all men that we A. B. (a) of (b), and C. D. (c) of (b) and E. F. (c) of (b), are held and firmly bound to G. H. (a) Collector of Revenue of the said Colony in the penal sum of Two hundred pounds of lawful money of Great Britain, to be paid to the said Collector of Revenue [or acting Collector of Revenue as the case may be] or to his certain attorney, heirs, executors, administrators and assigns, for which payment to be well and truly made, we bind ourselves and each of us, and any two of us, our and each of our heirs, executors, and administrators jointly, severally, and respectively, firmly by these presents, Sealed with our seals, Dated, &c.

WHEREAS the said A. B. is about being licensed to have and use a Still under the Ordinance 27th Vict., No. 16, of 1863, at and on his premises at

NOW the condition of this obligation is such that if the said A. B. shall not use such Still for any other purpose than distilling the produce of the Vine grown in the said Colony; and shall not sell, barter and dispose of any Spirits so distilled, unless the same Spirits shall have been placed in the Storehouse or room in charge of the officer of Customs appointed for that purpose; and shall in every respect and particular obey, perform, fulfil and keep the provisions of the said Ordinance, then the above written obligation shall be void and of none effect.

Sealed and delivered }
in the presence of . }

I.S.

B.

FEEs AND RENTS.

	£	s.	d.
For every License to keep a Still	1	1	0
Fee to officer in charge of Still, when in use, per day; in addition to, and irrespective of, all proper food and accommodation for such officer, which shall be provided at the expense of the person licensed	0	10	0
For each gallon of spirit distilled, and taken out of the Storehouse or room, or bonding Store except under Sec. 9. of the above Ordinance	0	11	0
Rent of Spirits in bonding Store;			
For every Puncheon, pipe, or butt, per week	0	0	6
Hogshead	0	0	3
Quarter cask	0	0	2
Octave	0	0	1
Barrel	0	0	2

Coopering casks, and all other expenses of storing &c., to be borne and paid by person licensed.