

day of December next, and also abide his legal trial for any treason or misprison of treason, that he is, has been, or may be charged with.

Passed November 26, 1778. See the note to the Act of Assembly passed March 6, 1778, Chapter 784; and the Acts of Assembly passed October 6, 1779, Chapter 853.

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CHAPTER DCCCIX.

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AN ACT TO PROHIBIT, FOR A LIMITED TIME THE MAKING OF WHISKEY AND OTHER SPIRITS FROM WHEAT, RYE, OR ANY OTHER SORT OF GRAIN OR FROM ANY MEAL OR FLOUR.

(Section I, P. L.) Whereas the enormous quantity of grain which is distilled throughout this state, tends to increase the price thereof, to [the] great oppression of the poor and occasions a difficulty in procuring the necessary supplies for the armies of the United States:

For remedy whereof:

[Section I.] (Section II, P. L.) Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same, That from and after the tenth day of December next no whiskey or other spirit whatsoever shall be made, extracted or distilled within the city and county of Philadelphia and the counties of Chester, Bucks, Lancaster, York, Cumberland, Berks and Northampton from any wheat, rye, barley, malt or other grain, or from any meal or flour before the first day of September next.

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the twenty-fifth day of December next, no whiskey or other spirit whatsoever, shall be made, extracted or distilled within the counties of Bedford, Westmoreland, or Northumberland from any wheat, rye, barley, malt or other grain or from any meal or flour before the first day of September next.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That if during the times respectively before limited, any distiller or maker of whiskey or other spirits or any other person or persons whatsoever, shall make, extract or distill or cause or procure to be made, extracted or distilled any whiskey or other spirits from any malt, wheat, rye, barley or other grain, or from any meal or flour, or shall use or mix or cause or procure to be used or mixed any malt, wheat, rye, barley, or other grain, or any meal or flour in any worts or wash in order for the making, extracting or distilling whiskey or other spirits, or shall put or lay, or cause or procure to be put or laid in any tun, wash-batch, cask, copper-still or other vessel or utensil any malt, wheat, rye, barley, or other grain, or any meal or flour for the purpose of extracting or distilling whiskey or other spirits, that then, and in each and every of the said cases, upon conviction thereof in the court of general quarter sessions of the peace for the city or county where such offense is committed, such distiller or maker of whiskey or other spirits or other person or persons acting contrary to the direction of this act, or the person or persons in whose custody or possession any such tun, wash-batch, cask, copper-still or other vessel or utensil made use of contrary to the intention of this act, be found, shall respectively, for every such offense forfeit and pay the sum of five hundred pounds and incur also a forfeiture of the value of all such malt, wheat, rye, barley or other grain and all such flour and meal, whiskey and spirits and of all such stills, vessels or other utensils to be ascertained and assessed by the jury by whom the cause shall be tried.

[Section IV.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That each of the constables of the respective townships or districts in this state, shall and he is hereby enjoined and required under the penalty of one hundred pounds (to be prosecuted for and recovered in the same manner as is hereinafter directed for the prosecution and recovery of the other fines herein mentioned) carefully and diligently to inquire into offenses committed against this act; and having any knowledge of any such offense he shall forthwith give information thereof to the next justice of the peace, who upon such in-

formation or other complaint on oath shall immediately issue his warrant directed to the sheriff and other peace officers of the city or county where such offender dwells, requiring such sheriff or other peace officer forthwith to apprehend the said offender and bring him or her before said justice or some other justice of the peace who shall cause the said offender to enter into recognizance, with sufficient surety, to be and appear at the next court of general quarter sessions to be held for the said city or county, to answer the promises and abide the judgment of the court; and for want of such security the said justice shall, and he is hereby enjoined to commit the said offender to the gaol of the said city or county there to remain until he or she be legally discharged; which said recognizance, with such as shall be taken for the appearance of the witnesses shall be duly certified by the said justice to the next court of general quarter sessions of the peace where such offender shall be proceeded against by indictment as is usual in like cases.

[Section V.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That all and every the constables of the respective townships or districts in this state shall, and are hereby enjoined and required to return on oath or affirmation unto the court of quarter sessions of their respective city or counties, the names and places of abode of all persons in their several townships or districts offending against this act; which said oath or affirmation the justices in their respective sessions are hereby enjoined to administer.

[Section VI.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all forfeitures which may arise in pursuance of this act shall be collected by the respective sheriffs of the city or county where such forfeitures arise; and the said sheriff shall transmit one moiety thereof to the treasurer of the state to be disposed of by the general assembly; and shall pay the other moiety to the constable or other person or persons informing against the offender.

Passed November 27, 1778. See the note to the Act of Assembly passed January 2, 1778, Chapter 779; and the Acts of Assembly passed March 16, 1779, Chapter 827; October 6, 1779, Chapter 856; March 22, 1780, Chapter 904.