

CHAPTER DCCCXXVII.

A SUPPLEMENT TO AN ACT, ENTITLED "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."¹

(Section I, P. L.) Whereas nothing but necessity and a conviction that the welfare and safety of the public cannot otherwise be secured and promoted will justify the legislature of a state in making laws to empower the executive officers of the state to break open the doors of the house or out-houses of any of the citizens thereof in any case whatsoever:

(Section II, P. L.) And whereas a sacred regard to the liberties of the good people of this state and a belief that public virtue alone would be a sufficiently strong motive to induce them to submit to the said law which necessity and the public good made absolutely necessary prevented the legislature of this state at the passing thereof from enacting a clause in the same to empower the constables of the respective townships or districts in this state to break open the still-houses of such as should offend against the said act of assembly:

(Section III, P. L.) And whereas many persons minding only their own private gain, lucre and profits and regardless of the sufferings of their fellow citizens have in defiance and contempt of the said act continued to make, extract and distil whiskey and other spirits contrary to the true intent and meaning of the same, and by keeping their still-house door shut have screened themselves from the penalties inflicted by the said act on such as are guilty of such unlawful practices:

For remedy whereof:

[Section I.] (Section IV, 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 publication of

¹ Passed November 27, 1778, Chapter 819.

this act, if it shall appear to any justice of the peace of this state on the oath or affirmation of any constable or other credible person (which the said justice is hereby empowered and required to administer) that there is cause to suspect that any distiller or other person or persons is or are distilling or causing to be distilled, whiskey or other spirits from any wheat, rye or any other sort of grain or from any malt, meal or flour contrary to the true intent and meaning of the said act, it shall and may be lawful for, and the said justice is hereby empowered and required to issue his warrant authorizing the constable of the township or district where the offender dwells calling to his assistance such and so many persons as he may think necessary to enter in the day time and if necessity requires to break open the door of any still-house or other place where such unlawful practices are suspected to be carried on as aforesaid to discover and enable the said constable or other person to bring to due punishment such offender.

(Section V, P. L.) And whereas no provisions are made in the said act to prevent grain from being carried out of this state and as laws prohibiting distilling have not been passed in the adjoining states the good people of this state suffer all the inconveniences without reaping the full advantages of the said act:

[Section II.] (Section VI, P. L.) Be it therefore enacted by the authority aforesaid, That if any person or persons whatsoever shall from and after the publication of this act export or carry or cause to be exported or carried out of this state any wheat, rye, barley or any other sort of grain or any meal, flour or malt, or shall knowingly buy or sell or cause to be bought or sold any wheat, rye, barley or any other sort of grain or any meal, flour or malt for the purpose and intent of being exported or carried out of this state, which grain, meal flour or malt shall be accordingly exported or carried out of the same (except for the use of the United States) every such person or persons so offending upon conviction thereof in the court of general quarter sessions of the peace for the city or county where such offense is committed shall for every such offense forfeit and pay the sum of five hundred pounds and also incur a forfeiture of all such wheat,

rye, barley or other grain or meal, flour or malt so exported or carried out of this state or bought or sold with that intent as aforesaid to be ascertained and assessed by the jury by whom the cause shall be tried, which said forfeiture shall be collected by the respective sheriffs of the city or county where such forfeiture arises and the said sheriff shall transmit one moiety thereof to the treasurer of this 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.

(Section VII, P. L.) And whereas it is set forth in the petition of several of the inhabitants of Cumberland county that by reason of the short time between the enacting the said law and its taking effect many persons especially in the more remote parts of the state, not having had notice of the same, had mashed several quantities of grain before the respective days on which the said law took effect, by which it was rendered unfit for any other use, and therefore they had distilled it afterwards, but have since paid a due obedience to the said law and praying the aid of the legislature for their relief:

[Section III.] (Section VIII, P. L.) Be it therefore enacted by the authority aforesaid, That no person or persons whatsoever within this state shall incur, forfeit or pay any fine or penalty for, or by reason of distilling or extracting any whiskey or other spirits from any grain, meal or malt which was bona fide mashed before the respective days on which the said act became in force and took effect; anything in the said act to the contrary thereof in anywise notwithstanding.

(Section IX, P. L.) Provided always nevertheless, That where any whiskey has been distilled after the expiration of eight days after the said respective days on which the said act took effect, the proof that the grain, meal, flour or malt from which such whiskey was distilled, was mashed as aforesaid before the said days shall lie on the party distilling the same.

[Section IV.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons has or have been or shall be indicted or presented for distilling whiskey from grain, meal or malt so mashed, on proof thereof as aforesaid it shall and may be lawful for the attorney general, and he

is hereby empowered and required to enter a noli prosequi on every such indictment or presentment on the defendant's paying the fees thereon.

Passed March 16, 1779. See the note to the Act of Assembly passed November 27, 1778, Chapter 819.

CHAPTER DCCCXXVIII.

AN ACT TO INCREASE THE FINES AND PENALTIES ON PUBLIC OFFICERS FOR REFUSAL OR NEGLECT OF DUTY; AND ALSO TO AUGMENT THE FEES OF THE SEVERAL OFFICERS HEREINAFTER MENTIONED.

(Section I, P. L.) Whereas the fines and penalties which the different public civil officers of this commonwealth are by the laws thereof now in force liable to forfeit and pay for or by reason of their neglecting or refusing to perform the duties of their several offices, are no sufficient security to the public for the due and faithful discharge of the trusts reposed in them, or the performance of the duties enjoined them by the said laws, to the great hindrance of public business and the insecurity of the good people of this state:

[Section I.] (Section II, P. L.) Be it therefore 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 if any of the sheriffs, coroners, constables, overseers of the poor, supervisors of the highways, county commissioners and assessors, township assessors, collectors of the public taxes, jurymen, judges and inspectors of elections of representatives and all and every other of the civil officers of this commonwealth which by the laws thereof now in force are liable to pay a fine or forfeiture for any neglect or refusal to do and perform any of the duties which they were empowered, enjoined or required to do and perform by the directions of the said laws; each and every such officer or officers so refusing or neglecting to do, execute and perform any of the said