

CHAPTER DCCCLVI.

AN ACT TO PERMIT THE MAKING OF WHISKEY AND OTHER SPIRITS FROM RYE, BARLEY, OR THE MALT THEREOF, UNDER CERTAIN RESTRICTIONS THEREIN MENTIONED; AND TO PROHIBIT THE DISTILLING ANY WHISKEY OR OTHER SPIRITS FROM ANY OTHER GRAIN, MEAL, MALT OR FLOUR.

(Section I, P. L.) Whereas the great number of stills within this state, that are employed in making whiskey from grain, consume such large quantities that if suffered without restriction, would be highly injurious to the good people of this state, and would occasion a difficulty in procuring the necessary supplies for the army and fleet of the United States and the fleet and trading vessels of our faithful allies, who may come to this state:

(Section II, P. L.) And whereas it is necessary to permit the citizens of this commonwealth especially such as are at a distance from any sea ports, to distil such a part of the grain, raised by their own industry as is absolutely necessary for the consumption of their own families, and to prevent abuses that may arise from such permission:

[Section I.] (Section III, 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 from and after the twentieth day of October instant, no whiskey or other spirits whatsoever shall be made, extracted or distilled within this commonwealth from any wheat, malt or other grain or from any meal or flour, except from rye or barley, and the malt made thereof.

[Section II.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That from and after the said twentieth day of October instant, no distiller or other person shall extract or distil any whiskey or other spirits from any rye or barley or the malt made thereof except in manner hereinafter directed;

That is to say, that before such distiller or other person shall presume to distil any such whiskey or other spirits, he shall go before some justice of the peace of the proper county, and take the following oath or affirmation which the said justice is hereby empowered and required to administer: to-wit, I, A. B., do swear (or solemnly, sincerely and truly declare and affirm) that I will not directly or indirectly distil, make or extract, or cause or suffer the same [so] to be done in my still or stills, any whiskey or other spirits from any wheat, malt or other grain, or from any meal or flour except from rye or barley and the malt made thereof; and that I will not make, extract or distil or suffer so to be done, in my stills any whiskey or other spirits, from rye, barley or of the flour or malt made thereof, in any other manner or in any greater quantity than is allowed in and by an act, entitled "An act to permit the making of whiskey and other spirits from rye, barley or the malt made thereof under certain restrictions therein mentioned; and to prohibit the distilling any whiskey or other spirits from any other grain, meal, malt or flour," during the continuance thereof.

[Section III.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That no distiller or other person shall [distil], make or extract any whiskey or spirits from more than eight bushels of rye and barley to or for the use of any housekeeper, except for a licensed tavern-keeper, nor from more than fifteen bushels of rye and barley, to or for the use of any such tavern-keeper, and not from more than eight bushels for the use of himself.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority [aforesaid], That no distiller shall make, extract or distil any whiskey or other spirits to or for the use of such housekeeper or licensed tavern-keeper, without a permit under the hand and seal of a justice of the peace of the proper township where such distiller resides, or from the next justice, if no justice resides in such township, and the said justice is hereby required on application made to him by any such tavern-keeper producing his license, or housekeeper, to grant a permit to such applying, empowering any distiller to distil such quantities of rye and barley as is herein respectively allowed,

and no more. And the said justice shall keep a list of the persons' names and their places of abode, and which of them are tavern-keepers to whom he shall have granted such permit and shall deliver the same to the clerk of the peace of the proper county who shall file the same in his office; and the said clerk is hereby enjoined to examine carefully the said list of names, and if it shall appear upon comparing the lists of different justices or otherwise, that any person has obtained more than one permit as aforesaid the said clerk is hereby enjoined and required to issue the proper process against the offender and to prosecute such offender to conviction.

[Section V.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any justice shall grant a permit or permits to any person or persons for any larger or other quantity of rye or barley than is hereby allowed, or to a tavern-keeper until such tavern-keeper shall produce his license, such justice shall forfeit and pay five hundred pounds, one-half thereof to the informer, and the other half thereof for the use of this commonwealth, and if any person or persons shall obtain any more than one permit from one justice, or shall obtain such permit from any more than one justice or for any greater quantity than is herein mentioned, such person or persons shall forfeit and pay the sum of five hundred pounds for the uses aforesaid; and if any distiller or other person shall after the said twentieth day of October instant make, extract or distil any whiskey or other spirits from any wheat, malt or other grain or from any meal or flour, except from rye or barley or the malt made thereof as aforesaid, or shall make, extract or distil any whiskey or other spirits from any greater or other quantity of rye or barley or the malt made thereof in any other manner than as is herein directed and allowed, every person so offending shall on conviction thereof in any court of quarter sessions of the peace of the city or county where such offense is committed forfeit and pay the sum of one thousand pounds for every such offense; one-half to the informer or person who will sue for the same, and the other half to the use of the proper county. And if any person shall be prosecuted for distilling without such

permit the onus probandi so far as regards the said permit shall lie on the defendant.

[Section VI.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue in force until the first day of September next, and no longer.

Passed October 6, 1779. See the notes to the Acts of Assembly passed January 2, 1778, Chapter 779; November 17, 1778, Chapter 817. The act in the text was repealed by the Act of Assembly passed March 22, 1780, Chapter 904.

CHAPTER DCCCLVII.

AN ACT TO ESTABLISH AND CONFIRM THE ESTATE OF THOMAS BEANS IN SEVERAL LANDS AND TENEMENTS IN THIS STATE.

(Section I, P. L.) Whereas Thomas Beans of Abington township in the county of Philadelphia, yeoman, hath represented to the general assembly of this commonwealth that he is seized and possessed of one messuage or tenement and tract of land containing one hundred and forty-five acres of land in Abington township aforesaid, which he purchased of Henry Shisler and wife bounded by lands of Richard Wilton, the township line or road between Abington and lower Dublin, lands of William Roberts, Thomas King and Moses Vancourt and by Pennypack creek: One hundred and twelve acres and a half in Southampton township in the county of Bucks, purchased of Elizabeth Fletcher, bounded by lands of the Baptist meeting house of Daniel Hoogland and Wilhelmus Cornell, by the street road and lands of Stephen Watts and Charles Garrison; and two hundred acres and fifty-two perches of land in Warminster township, Bucks county purchased of Thomas Dungan and wife; bounded by the middle of the said road opposite to the lands of Thomas Cravan, John Brooks and Giles Craven; by another road opposite to lands of Joseph Hart, and by lands of Jonathan Walton and Thomas Dungan: