

for army bounty rights sufficient for that purpose, according to the provision of the resolves of Congress of the twenty-third of July, and second of October, one thousand seven hundred and eighty-seven; but in case so many warrants should not be delivered, then the letters patent last aforesaid to be given for such number of acres, as shall be in proportion to the warrants so delivered.

SEC. 3. *And be it further enacted*, That the President be and he is hereby authorized and empowered, by letters patent as aforesaid, to grant and convey unto the said John Cleves Symmes and his associates, their heirs and assigns, in trust for the purpose of establishing an academy and other public schools and seminaries of learning, one complete township, conformably to an order of Congress of the second of October, one thousand seven hundred and eighty-seven, made in consequence of the application of the said John Cleves Symmes, for the purchase of the tract aforesaid.

One township granted for seminaries of learning.

SEC. 4. *And be it further enacted*, That the several quantities of land, to be granted and conveyed as aforesaid, shall be included and located within such limits and lines of boundary, as the President may judge expedient, agreeably to an act passed the twelfth day of April one thousand seven hundred and ninety-two, "for ascertaining the bounds of a tract of land purchased by John Cleves Symmes."

The lands to be located agreeable to a former act.

Ante, p. 251.

APPROVED, May 5th, 1792.

CHAP. XXXI.—*An Act to alter the time for the next Annual Meeting of Congress.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That after the adjournment of the present session, the next annual meeting of Congress shall be on the first Monday in November next.

APPROVED, May 5, 1792.

STATUTE I.

May 5, 1792.

[Obsolete.]

STATUTE I.

May 8, 1792.

CHAP. XXXII.—*An Act concerning the Duties on Spirits distilled within the United States.*

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the last day of June next, the present duties upon spirits distilled within the United States, and on stills shall cease, and that in lieu thereof, upon all spirits which after the said day shall be distilled within the United States wholly or in part from molasses, sugar or other foreign materials, there shall be paid the duties following, that is to say:

[Repealed.] Act of April 6, 1802, ch. 19, sec. 1.

Former duties after the last day of June to cease, and

For every gallon of those spirits of the first class of proof, ten cents;—for every gallon of those spirits of the second class of proof, eleven cents;—for every gallon of those spirits of the third class of proof, twelve cents;—for every gallon of those spirits of the fourth class of proof, fourteen cents;—for every gallon of those spirits of the fifth class of proof, eighteen cents;—for every gallon of those spirits of the sixth class of proof, twenty-five cents.—And upon all spirits which after the said day shall be distilled within the United States from materials of the growth or produce of the United States, in any city, town or village, at any distillery at which there shall be one or more stills which singly or together shall be of the capacity of four hundred gallons or upwards, there shall be paid the duties following, that is to say:

Other duties to be paid upon spirits distilled from foreign materials.

For every gallon of those spirits of the first class of proof, seven cents;—for every gallon of those spirits of the second class of proof, eight cents;—for every gallon of those spirits of the third class of proof, nine cents;—for every gallon of those spirits of the fourth class of proof,

On spirits distilled of the materials of the U. States.

eleven cents;—for every gallon of those spirits of the fifth class of proof, thirteen cents;—for every gallon of those spirits of the sixth class of proof, eighteen cents.—And upon stills which after the said day shall be employed in distilling spirits from materials of the growth or produce of the United States, at any other place than a city, town or village, or at any distillery in a city, town or village, at which there shall be one or more stills which, singly if only one, or together if more than one, shall be of less capacity than four hundred gallons, there shall be paid the yearly duty of fifty-four cents for every gallon English wine measure of the capacity or content of each and every such still including the head thereof: *Provided*, That it shall be at the option of the proprietor or possessor of any such still, instead of the said yearly duty, either to pay seven cents for every gallon of spirits by him or her distilled, or to pay at the rate of ten cents per gallon of the capacity for each and every month of the employment of any such still; and in case the said proprietor or possessor shall elect to pay either the said rate of seven cents per gallon, of the spirits by him or her distilled, or the said monthly rate of ten cents, according to the capacity of his or her still or stills, he or she at the time of making entry of his or her still or stills in manner herein after directed, shall by writing under his or her hand, left at the office of inspection where such entry shall be made, notify the said election, and if the same shall be to pay the said monthly rate of ten cents, shall demand a license for the term of time, specifying the day of commencing and the day of ending, during which he or she shall intend to work his or her still or stills, which license shall without delay or expense to the said proprietor or possessor be granted, and shall be signed by the supervisors of the revenue, and countersigned by the officer at whose office application for the same shall have been made. And in the case of an election to pay the said monthly rate of ten cents, it shall not be lawful for any person by whom the same shall have been made, to work his or her still or stills, at any time, within the year from the date of his or her entry thereof, other than that for which a license shall have been granted, unless he or she shall have previously obtained another license for such further time, which upon like application shall and may be granted, in like manner, and if any such person shall work his or her still or stills, contrary to the direction or provision aforesaid, he or she shall forfeit and pay for every such offence, two hundred dollars. And in every case in which any proprietor or possessor of a still or stills subject to the payment of duty according to the capacity of such still or stills, shall not make election to pay according to one or the other of the alternatives aforesaid; or shall not duly comply therewith, he or she shall be liable to pay, and shall pay the said yearly rate of fifty-four cents for every gallon of the capacity or capacities of his or her still or stills.

**SEC. 2.** *And be it further enacted*, That there be in each county comprehended within any district, at least one office of inspection, at which every person having or keeping a still or stills within such county shall, between the last day of May and the first day of July in each year, make entry of such still or stills; and at which every person, who being a resident within the county shall procure a still or stills, or who removing within a county, shall bring therein a still or stills, shall, within thirty days after such procuring or removal, and before he or she shall begin to use such still or stills, make entry thereof. And every entry, besides describing each still and the capacity thereof, shall specify the place where, and the person in whose possession it is, and the purpose for which it is intended, as whether for sale or use in distilling; and in the case of removal, shall specify the place from which every such still shall have been brought.

**SEC. 3.** *And be it further enacted*, That every proprietor and possessor of a still shall be jointly and severally liable for the duty thereupon;

Duty on stills.

How paid.

Owners in what cases &c. how to make entry of stills, &c.

and to obtain license for working them.

Penalty for working stills without license.

1798, ch. 10.

Office of inspection in each county for entry of stills, &c.

and that every owner of land, upon which any still shall be worked, shall be liable for the duty thereupon, unless the same shall be worked by a lawful and bona fide tenant of the land of an estate, not less than for the term of one year, or unless such owner can make it appear, that the possessor of, or person by whom such still shall have been worked, was during the whole time of working the same, a trespasser or intruder on his land.

Proprietors &c.  
how liable for  
duty on stills.

SEC. 4. *And be it further enacted,* That every officer of inspection within whose survey any distillery of geneva or sweet cordials, subject to the payment of duty by the gallon of the spirits distilled thereon may be, shall forbear to visit or inspect for a space not exceeding two hours in each day, such part of the said distillery as he may be required by the proprietor, possessor or manager of such distillery to forbear to visit and inspect, for which purpose it shall be necessary for the said proprietor, possessor or manager, to give notice in writing to the said officer, describing therein particularly the part of such distillery, which it shall be his desire that the said officer may forbear to visit and inspect, and specifying the time of each day for which such forbearance shall be desired.

Officers to for-  
bear inspecting  
distillery of ge-  
neva for two  
hours, &c.

on written no-  
tice from the  
proprietors.

SEC. 5. *And be it further enacted,* That it shall be in the discretion of the secretary of the treasury to regulate as well the marks, to be set upon the casks, vessels and packages containing distilled spirits, as the forms of the certificates which are to accompany the same, and that when any cask or vessel in which distilled spirits have been contained, shall have been emptied of its contents, it shall be lawful for the marks thereupon to be effaced by, or in the presence of an officer of inspection, and if the said cask or vessel shall afterwards be used for putting therein other spirits, the same may be marked anew.

Secretary of  
the treasury to  
regulate marks  
upon casks, &c.

SEC. 6. *And be it further enacted,* That instead of a notice of twenty-four hours heretofore required to be given of the intent to export distilled spirits in order to the benefit of the drawback of the duties thereupon, six hours shall be sufficient.

Notice to be  
given for obtain-  
ing drawback  
on spirits ex-  
ported.

SEC. 7. *And be it further enacted,* That there be an abatement for leakage at the rate of two per cent. in every case in which the duty shall be payable by the gallon of the spirits distilled, to be allowed at the distillery where such spirits shall be made.

Abatement  
for leakage.  
1791, ch. 15,  
sec. 52.

SEC. 8. *And be it further enacted,* That the officer of inspection within whose survey any still shall be, the duty whereupon is payable according to the capacity of the still shall identify by progressive numbers and other proper marks, every such still within his survey, and the duty thereupon shall operate as a specific lien upon the said still.

Duty of offi-  
cer of inspec-  
tion herein.

SEC. 9. *And be it further enacted,* That every distiller of, and dealer in spirits, who may have in his or her possession, distilled spirits not marked or certified, pursuant to the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall, prior to the last day of September next, report the spirits in his or her possession, in writing at some office of inspection, to the end that such spirits may be marked and certified as old stock. And that from and after the said last day of September next, casks and vessels of the capacity of twenty gallons and upwards, containing distilled spirits, which shall be found in the possession of any distiller or dealer in spirits, except at a distillery where the same were made, or in going from one place to another, without being marked according to law, or without having a certificate from some proper officer, shall be liable to seizure and forfeiture, and that it shall be the duty of the several officers of inspection, upon request of any dealer or distiller, to take measures for the marking of casks, vessels and packages containing

Distilleries &c.  
of spirits when  
to report the  
quantity on  
hand;  
1791, ch. 15.

casks not mark-  
ed according to  
law liable to  
seizure, &c.

Inspection of  
officer to mark  
casks, &c.

After April  
1793, spirits to  
be brought into  
U. States in  
casks of 90 gal-  
lons, &c.

Drawbacks on  
what quantity  
allowed.

After June  
next how spirits  
shall be import-  
ed.

Penalty on ne-  
glecting to make  
entry of stills.

Certain spirits  
imported liable  
to forfeiture—

Penalties how  
disposed of.

Continuation  
of duties laid  
herein, for what  
purpose appro-  
priated.

1791, ch. 15.

Reduction of  
duty herein  
made good by  
product of a  
certain act.

1792, ch. 27.

Allowance to  
supervisors, &c.

1791, ch. 15.

distilled spirits, and to furnish such dealer or distiller, free from expense, with certificates to accompany the same: *Provided*, That it shall not be incumbent upon any such officer to mark or certify any cask, vessel or package which ought to have been before marked or certified according to any law of the United States.

SEC. 10. *And be it further enacted*, That from and after the last day of April, one thousand seven hundred and ninety-three, no distilled spirits except arrack and sweet cordials, shall be brought into the United States from any foreign port or place, except in casks or vessels of the capacity of ninety gallons and upwards.

SEC. 11. *And be it further enacted*, That no drawback of the duty on distilled spirits which shall be exported after the last day of June next, shall be allowed upon any quantity less than one hundred gallons.

SEC. 12. *And be it further enacted*, That after the last day of June next, no distilled spirits shall be brought into the United States, from any foreign port or place in any cask or vessel, which shall have been marked pursuant to any law of the United States concerning distilled spirits, on pain of forfeiture of the spirits so brought, and of the ship or vessel in which they shall be brought.

SEC. 13. *And be it further enacted*, That if the owner or possessor of any still or stills shall neglect to make entry thereof, within the time and in the manner prescribed by the second section of this act, such owner or possessor shall forfeit and pay the sum of two hundred and fifty dollars; and if any distilled spirits, except arrack and sweet cordials, shall, after the last day of April next, be brought into the United States in casks or vessels of less capacity than ninety gallons, all such spirits, and the casks and vessels containing the same, shall be subject to seizure and forfeiture, and every such penalty or forfeiture shall be one half to the use of the United States, and the other half to the use of the person who shall first discover and make known the matter or thing whereby the same shall have been incurred.

SEC. 14. *And be it further enacted and declared*, That the duties hereby laid shall continue in force, for the same time, and are hereby pledged and appropriated to and for the same purposes, as those, in lieu of which they are laid, and pursuant to the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States and for appropriating the same."

SEC. 15. *And be it further enacted*, That to make good any deficiency which may happen in consequence of the reduction hereby made in the rates of the duties on spirits distilled within the United States, and on stills, so much of the product of the duties laid by the act, intituled "An act for raising a farther sum of money for the protection of the frontiers, and for other purposes therein mentioned," as may be necessary, shall be and is hereby pledged and appropriated to the same purposes, to and for which the duties, hereby reduced, were pledged and appropriated.

SEC. 16. *And be it further enacted*, That the President of the United States be authorized to make such allowances for their respective services to the supervisors, inspectors and other officers of inspection, as he shall deem reasonable and proper, so as the said allowances, together with the incidental expenses of collecting the duties on spirits distilled within the United States, shall not exceed seven and an half per centum of the total product of the duties on distilled spirits, for the period to which the said allowances shall relate, computing from the time the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United

States, and for appropriating the same, took effect: *And provided also*, That such allowance shall not exceed the annual amount of seventy thousand dollars, until the same shall be further ascertained by law.

not to exceed \$70,000.

SEC. 17. *And be it further enacted*, That the act, intituled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall extend to and be in full force for the collection of the several duties herein before mentioned and for the recovery and distribution of the penalties and forfeitures herein contained and generally for the execution of this act, as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter, and thing therein contained were inserted in and re-enacted by this present act, subject only to the alterations hereby made.

Certain act in force for collection of the duties, &c. herein.

1791, ch. 15.

APPROVED, May 8, 1792.

STATUTE I.

CHAP. XXXIII.—*An Act more effectually to provide for the National Defence by establishing an Uniform Militia throughout the United States.*(a)

May 8, 1792.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That each and every free able-bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years (except as is herein after excepted) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred and provided, when called out to exercise, or into service, except, that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger and esponton, and that from and after five years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for

Militia how and by whom to be enrolled.

How to be armed and accoutred.

1803, ch. 15.

(a) The acts for the establishment of an uniform system for the government of the militia, are: An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States, May 8, 1792, chap. 33; an act providing arms for the militia throughout the United States, July 6, 1793, chap. 65; an act in addition to an act entitled, "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," March 2, 1803, chap. 15; an act more effectually to provide for the organizing of the militia of the District of Columbia, March 3, 1803, chap. 20; an act establishing rules and articles for the government of the armies of the United States, April 10, 1806, chap. 20; an act in addition to the act entitled, "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and to repeal the act now in force for those purposes," April 18, 1814, chap. 32; an act concerning field officers of the militia, April 20, 1816, chap. 64; an act to establish an uniform mode of discipline and field exercise for the militia of the United States, May 12, 1820, chap. 96; an act to reduce and fix the military peace establishment of the United States, March 2, 1821, chap. 12, sec. 14.