

Section 43b, acts May 6, 1939, ch. 115, title I, § 1, 53 Stat. 663; Mar. 25, 1940, ch. 71, title I, 54 Stat. 63, related to use by narcotics agents of motor vehicles confiscated pursuant to section 157 of this title. See section 3616 of Title 18, Crimes and Criminal Procedure.

**§§ 44 to 57. Repealed. Aug. 27, 1935, ch. 740, title I, § 1, 49 Stat. 872**

Section 44, act Oct. 28, 1919, ch. 85, title II, § 27, 41 Stat. 316, authorized delivery to any department or agency of United States, for medicinal, mechanical, or scientific use, or private sale for such purposes to any person having a permit to purchase, of liquor subject to destruction pursuant to provisions of this title.

Section 45, act Oct. 28, 1919, ch. 85, title II, § 28, 41 Stat. 316, gave to commissioner, his assistants, agents, and inspectors all power and protection in enforcement of this title which had been conferred by law for enforcement of prior laws relating to manufacture or sale of intoxicating liquor.

Section 46, act Oct. 28, 1919, ch. 85, title II, § 29, 41 Stat. 316, set forth punishment for any person found guilty of unlawfully manufacturing or selling liquor, violating provisions of any permit, or making any false record, report, or affidavit.

Section 47, act Oct. 28, 1919, ch. 85, title II, § 30, 41 Stat. 317, took away privilege against self-incrimination from any person ordered to testify or produce books, papers, etc., and provided that any person so ordered to testify or produce would be immune from any prosecution based on evidence provided.

Section 48, act Oct. 28, 1919, ch. 85, title II, § 31, 41 Stat. 317, set forth venue in any prosecution for unlawful sale of liquor.

Section 49, act Oct. 28, 1919, ch. 85, title II, § 32, 41 Stat. 317, authorized joinder of separate offenses in prosecutions for violations of this title, and set forth requirements for any affidavit, information, or indictment issued pursuant to such prosecutions.

Section 50, act Oct. 28, 1919, ch. 85, title II, § 33, 41 Stat. 317, made possession of liquor by any person not legally permitted to possess liquor prima facie evidence of unlawful purpose.

Section 51, act Oct. 28, 1919, ch. 85, title II, § 34, 41 Stat. 317, authorized inspection by duly authorized personnel of records and reports required to be kept or filed pursuant to this title, and introduction into evidence of duly certified copies of such records and reports.

Section 52, act Oct. 28, 1919, ch. 85, title II, § 35, 41 Stat. 317, repealed all provisions of law inconsistent with these provisions, and provided that regulations promulgated pursuant to these provisions were to be construed as in addition to existing laws.

Section 53, act Nov. 23, 1921, ch. 134, § 5, 42 Stat. 223, set forth procedure for assessment and collection of all taxes and penalties provided for in section 52 of this title.

Section 54, act Nov. 23, 1921, ch. 134, § 5, 42 Stat. 223, exempted from taxation distilled spirits lost by theft, accidental fire, or other casualty, where such loss did not occur as a result of negligence or fraud on part of owner or custodian.

Section 55, act Oct. 28, 1919, ch. 85, title II, § 35, 41 Stat. 317, authorized commissioner to compromise any civil cause arising under these provisions with approval of Secretary of the Treasury before bringing action in court, and with approval of Attorney General after action was commenced.

Section 56, act Nov. 23, 1921, ch. 134, § 2, 42 Stat. 22, limited quantity of spirituous and vinous liquor that could be imported into or manufactured in United States.

Section 57, act Oct. 28, 1919, ch. 85, title II, § 37, 41 Stat. 318, exempted from these provisions storage in or transportation to bonded warehouses of liquor manufactured prior to the taking effect of these provisions.

**§§ 58 to 60. Repealed. Mar. 22, 1933, ch. 4, § 2, 48 Stat. 17**

Section 58, act Oct. 28, 1919, ch. 85, title II, § 37, 41 Stat. 318, related to development of liquids containing less than one-half of one per centum of alcohol.

Section 59, act Oct. 28, 1919, ch. 85, title II, § 37, 41 Stat. 318, related to tax on fortified wines for nonbeverage alcohol.

Section 60, act Oct. 28, 1919, ch. 85, title II, § 37, 41 Stat. 318, related to burden of proof with regard to alcoholic content.

**§§ 61, 62. Repealed. Aug. 27, 1935, ch. 740, title I, § 1, 49 Stat. 872**

Section 61, act Oct. 28, 1919, ch. 85, title II, § 38, 41 Stat. 319, authorized Commissioner of Internal Revenue and Attorney General of the United States to hire employees and purchase equipment and supplies necessary for enforcement to this title.

Section 62, act Oct. 28, 1919, ch. 85, title II, § 39, 41 Stat. 319, authorized issuance of a summons to any person whose property rights were proceeded against or could be affected by a judgment rendered in a proceeding where such person was not the one who in person violated provisions of law.

**§ 63. Repealed. June 19, 1934, ch. 657, § 3, 48 Stat. 1116**

Section, acts Oct. 28, 1919, ch. 85, title III, § 20, 41 Stat. 322; July 5, 1932, ch. 428, 47 Stat. 579, made it unlawful to introduce into Canal Zone, or to manufacture, sell, transport, or possess within Canal Zone, any intoxicating liquors, except for sacramental, scientific, or medicinal purposes.

**§§ 63a to 63d. Transferred**

**Editorial Notes**

**CODIFICATION**

Sections 63a to 63d, act June 19, 1934, ch. 657, §§ 1-4, 48 Stat. 1116, which were transferred to sections 1314b to 1314e, respectively, of Title 48, Territories and Insular Possessions, were subsequently repealed by act Aug. 10, 1949, ch. 415, § 9(d), 63 Stat. 597.

Section 63a, act June 19, 1934, ch. 657, § 1, 48 Stat. 1116, which authorized President to make rules and regulations with respect to alcoholic beverages in Canal Zone, was transferred to section 1314b of Title 48.

Section 63b, act June 19, 1934, ch. 657, § 2, 48 Stat. 1116, which related to punishment for violation of any rules and regulations, was transferred to section 1314c of Title 48.

Section 63c, act June 19, 1934, ch. 657, § 3, 48 Stat. 1116, which related to repeal of prior laws, was transferred to section 1314d of Title 48.

Section 63d, act June 19, 1934, ch. 657, § 4, 48 Stat. 1116, which related to effective date of sections 63a to 63d of this title, was transferred to section 1314e of Title 48.

**§ 64. Repealed. Aug. 27, 1935, ch. 740, title I, § 1, 49 Stat. 872**

Section, act Oct. 28, 1919, ch. 85, title II, § 36, 41 Stat. 318, provided that invalidity of any provision of this title would not be construed to render invalid other provisions of this title.

**CHAPTER 2A—BEER, ALE, PORTER, AND SIMILAR FERMENTED LIQUOR**

**§§ 64a to 64o. Repealed. Aug. 27, 1935, ch. 740, title II, § 202(a), 49 Stat. 877**

Section 64a, act Mar. 22, 1933, ch. 4, § 3, 48 Stat. 17, related to manufacture, sale, and transfer of beer, ale, porter, etc., of not more than 3.2 per centum of alcohol.

Section 64b, act Mar. 22, 1933, ch. 4, §3(c), 48 Stat. 17, related to use of mails for advertisements of beer, ale, porter, etc., of not more than 3.2 per centum of alcohol.

Section 64c, act Mar. 22, 1933, ch. 4, §4, 48 Stat. 17, related to permits to manufacture for sale beer, ale, porter, etc., of not more than 3.2 per centum of alcohol.

Section 64d, act Mar. 22, 1933, ch. 4, §4(b), 48 Stat. 18, related to development of beer, ale, porter, etc., of an alcoholic content in excess of that specified in permit with a proviso that such content will subsequently be reduced to prescribed limit.

Section 64e, act Mar. 22, 1933, ch. 4, §4(b)(2), 48 Stat. 18, related to exemption from taxation of fortified wines when used for production of nonbeverage alcohol.

Section 64f, act Mar. 22, 1933, ch. 4, §4(b)(4), 48 Stat. 18, related to burden of proof as to alcoholic content of beer, ale, porter, etc.

Section 64g, act Mar. 22, 1933, ch. 4, §4(c), 48 Stat. 18, related to penalties for unlawful manufacture or sale of beer, ale, porter, etc., under this chapter.

Section 64h, act Mar. 22, 1933, ch. 4, §4(d), 48 Stat. 19, related to geographical applications of sections 64c to 64g of this title.

Section 64i, act Mar. 22, 1933, ch. 4, §5, 48 Stat. 19, related to requirement that at time of sale any beer, ale, porter, etc., manufactured under this chapter must contain no more than 3.2 per centum of alcohol.

Section 64j, act Mar. 22, 1933, ch. 4, §6, 48 Stat. 19, related to prohibition of shipment of beer, ale, porter, etc., of an alcoholic content of 3.2 per centum into dry States.

Section 64k, act Mar. 22, 1933, ch. 4, §7, 48 Stat. 19, related to penalties for violation of prohibition of shipment of beer, ale, porter, etc., into dry States.

Section 64l, act Mar. 22, 1933, ch. 4, §8, 48 Stat. 19, related to penalties and forfeitures incurred prior to effective date of chapter.

Section 64m, act Mar. 22, 1933, ch. 4, §1(c), 48 Stat. 16, related to effect of chapter on existing legislation with respect to internal revenue laws.

Section 64n, act Mar. 22, 1933, ch. 4, §9, 48 Stat. 19, related to effective date of chapter.

Section 64o, act Mar. 22, 1933, ch. 4, §10, 48 Stat. 20, provided for a savings clause for provisions of chapter.

## § 64p. Omitted

### Editorial Notes

#### CODIFICATION

Section, act June 16, 1933, ch. 105, 48 Stat. 311, authorized legalization of manufacture and sale of 3.2 beer in State of Oklahoma.

## CHAPTER 3—INDUSTRIAL ALCOHOL

### §§ 71 to 90a. Omitted

### Editorial Notes

#### CODIFICATION

Sections 71 to 75, 78 to 81, 83 to 88, and 90, contained provisions which were incorporated in various sections of the Internal Revenue Code of 1939. For distribution of the Internal Revenue Code of 1939 to the Internal Revenue Code of 1986, see Table I preceding section 1 of Title 26, Internal Revenue Code.

Section 71, act Oct. 28, 1919, ch. 85, title III, §1, 41 Stat. 319, which defined "alcohol" and "container", was incorporated in section 3124(a)(1), (2) of Internal Revenue Code of 1939.

Section 72, act Oct. 28, 1919, ch. 85, title III, §2, 41 Stat. 319, provided that a person establishing a plant for production of industrial alcohol shall, before operation, make application to commissioner for registration of his plant, was incorporated in section 3100(a) of Internal Revenue Code of 1939.

Section 73, acts Oct. 28, 1919, ch. 85, title III, §3, 41 Stat. 319; Aug. 27, 1935, ch. 740, §17, 49 Stat. 876; June 26,

1936, ch. 830, title III, §329(a), 49 Stat. 1957, provided that warehouses for storage and distribution of alcohol to be used for other than beverage purposes may be established upon filing of application and bond and issuance of permit at such places, was incorporated in section 3101(a) of Internal Revenue Code of 1939.

Section 74, act Oct. 28, 1919, ch. 85, title III, §4, 41 Stat. 320, related to transfer of registered industrial alcohol to other registered industrial alcohol plants or bonded warehouses, was incorporated in section 3107 of Internal Revenue Code of 1939.

Section 74a, acts Feb. 24, 1919, ch. 18, title VI, §609, 40 Stat. 1109; June 26, 1936, ch. 830, title III, §320, 49 Stat. 1953, related to removal of taxable fermented liquors from brewery premises where produced to a contiguous industrial alcohol plant without payment of tax, was incorporated in section 3104 of Internal Revenue Code of 1939.

Section 74b, acts Feb. 24, 1919, ch. 18, title VI, §602, 40 Stat. 1106; June 26, 1936, ch. 830, title III, §308, 49 Stat. 1946, related to transfer of spirits produced at registered distilleries and in receiving cisterns in such distilleries to Internal Revenue Bonded Warehouses for storage until tax payment is made or where tax payment was made, retention of spirits in receiving cisterns, was incorporated in section 2883 of Internal Revenue Code of 1939.

Section 75, act Oct. 28, 1919, ch. 85, title III, §5, 41 Stat. 320, related to time of attachment of any tax imposed by law on alcohol and liability of proprietors of industrial alcohol plants for such taxes, was incorporated in section 3112(a) of Internal Revenue Code of 1939.

Section 76, act Oct. 28, 1919, ch. 85, title III, §6, 41 Stat. 320, related to withdrawal, on or before effective date of 18th Amendment, of distilled spirits remaining in bonded warehouses for denaturing or deposit in warehouses established under chapter.

Section 77, act Oct. 28, 1919, ch. 85, title III, §7, 41 Stat. 320, related to operation of any distillery or bonded warehouse as an industrial alcohol plant or bonded warehouse under chapter.

Section 78, act Oct. 28, 1919, ch. 85, title III, §8, 41 Stat. 320, related to restrictions concerning production, use, or sale of alcohol, was incorporated in section 3106(a) of Internal Revenue Code of 1939.

Section 79, act Oct. 28, 1919, ch. 85, title III, §9, 41 Stat. 320, related to exemption of industrial alcohol plants and bonded warehouses under this chapter from certain laws, was incorporated in section 3103 of Internal Revenue Code of 1939.

Section 80, act Oct. 28, 1919, ch. 85, title III, §10, 41 Stat. 320, related to establishment of denaturing plants and tax-free sale of denatured alcohol, was incorporated in sections 3102, 3109, and 3110 of Internal Revenue Code of 1939.

Section 81, acts Oct. 28, 1919, ch. 85, title III, §11, 41 Stat. 321; Aug. 27, 1935, ch. 740, §18, 49 Stat. 876; June 26, 1936, ch. 830, title III, §329(b), 49 Stat. 1957, related to withdrawal of alcohol produced at any industrial alcohol plant tax-free for denaturing, for use by any scientific university, for scientific research by any laboratory, or for use in any hospital or sanitarium, was incorporated in sections 3108(a) and 3124(a) of Internal Revenue Code of 1939.

Section 82, act Oct. 28, 1919, ch. 85, title III, §12, 41 Stat. 321, provided that penalties in chapter shall be in addition to those penalties in chapter 2 of this title unless expressly stated otherwise.

Section 83, act Oct. 28, 1919, ch. 85, title III, §13, 41 Stat. 321, authorized commissioner to issue regulations respecting the establishment, bonding, and operation of industrial alcohol plants, denaturing plants, and bonded warehouses under this chapter, was incorporated in section 3105 of Internal Revenue Code of 1939.

Section 84, act Oct. 28, 1919, ch. 85, title III, §14, 41 Stat. 321, related to a refund of tax on alcohol for loss, evaporation, shrinkage, or leakage, was incorporated in section 3113 of Internal Revenue Code of 1939.

Section 85, act Oct. 28, 1919, ch. 85, title III, §15, 41 Stat. 321, provided for punishment for unlawful oper-