

¹⁰⁷⁴
Case No. 15,093.

UNITED STATES v. FIFTY-FOUR BARRELS OF
DISTILLED SPIRITS.

{9 Int. Rev. Rec. 121.}

District Court, E. D. New York. April, 1869.

INTERNAL REVENUE—REMOVAL OF
SPIRITS—FALSE
BONDS—MIXTURE—FORFEITURE.

In the case of the United States against Fifty-Four Barrels of Distilled Spirits, tried ¹⁰⁷⁵ before BENEDICT, District Judge, in the E. D. New York, the spirits were seized on a charge of having been removed on false bonds in June, 1867, from the bonded warehouse No. 72 Walker street to the rectifying establishment of William Krone, whence they were taken to New York and sold instead of being returned to the warehouse, as the bond required. This action was brought to condemn the property as forfeited for the use of the government. It was shown by the evidence that Krone had received for redistillation 200 barrels on fraudulent bonds and thirty-four barrels on which the tax had been paid; that the two lots were mixed, and that from this mixture the spirits in court were drawn off. Held, that the payment of the tax on all the spirits not having been proven, there being a mixture of fraudulent spirits with spirits that had paid the tax, the whole lot was legally forfeited to the use of the government, and directed a verdict accordingly.

J. J. Allen, Asst Dist. Atty., for the government.

T. B. Clarkson, for claimants.

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