

UNITED STATES v. FLYNN.

{15 Blatchf. 302.}<sup>1</sup>

Circuit Court, S. D. New York. Oct. 14, 1878.

INTERNAL REVENUE—DISTILLERY—SIGN.

Section 3279 of the Revised Statutes of the United States makes it an offence to work in a distillery on which no sign is placed and kept, as provided in that section, and provides a punishment for such an act.

This was in indictment under section 3279 of the Revised Statutes, charging the defendant [John Flynn] with working in a distillery on which no sign was placed and kept, as provided by that section. A motion was made by the defendant to quash the indictment, upon the ground that no punishment was provided for the act charged. The contention was, that the construction and punctuation of section 3279, and the provision therein for the forfeiture of all horses, &c, used in carrying such property aforesaid, compel the conclusion that there is an omission to provide any punishment for the act of working in a distillery on which no sign is placed and kept 1128 Courtland P. L. Butler, Asst. U. S. Dist Atty.

Louis P. Post, for defendant.

Before BENEDICT, District Judge.

THE COURT held that section 3279 makes it an offence to work in a distillery on which no sign is placed and kept, as provided in that section, and provides for such an act the punishment of a fine of not less than \$100 nor more than \$1,000, or imprisonment not less than one month nor more than six months.

<sup>1</sup> [Reported by Hon. Samuel Blatchford, Circuit Judge, and here reprinted by permission.]

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