AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

for the use and benefit of said town, a patent to all that portion of the east half of the northwest quarter and the west half of the northeast quarter of section twenty-one, township fifty-one north, range ninety-three west of the sixth principal meridian, which has not been sold by the United States at the time of the passage of this Act, the above-described tract being the town site of the said town of Basin City: *Provided*, That separate patents shall be issued to Big Horn County, Wyoming, for the court-house square, as shown upon the plat of said town, and to the properly constituted authorities of the school district in which the said town is located for the public-school square, as shown upon said plat.

Proviso. Issuance of separate patents.

Approved, April 11, 1902.

April 12, 1902.

[Public, No. 67.]

CHAP. 500.—An Act To repeal war-revenue taxation, and for other purposes.

War revenue repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the Act entitled "An Act to provide ways and means to meet war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight, as amended by the Act of March second, nineteen hundred and one, entitled "An Act to amend an Act entitled 'An Act to provide ways and means to meet war expenditures, and for other purposes,' approved June thirteenth, eighteen hundred and ninety-eight, and to reduce taxation thereunder," be, and is hereby, further amended so as to read as follows:

Vol. 30, p. 448.

Vol. 31, p. 938.

Fermented liquors. Tax reduced to one dollar a barrel.

"SECTION 1. That there shall be paid on all beer, lager beer, ale, porter, and other similar fermented liquor, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, in lieu of the tax now imposed by law, a tax of one dollar for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for any fractional part of a barrel, as authorized and defined by section thirty-three hundred and thirty-nine of the Revised Statutes of the United States: *Provided*, That in lieu of or in addition to the present requirements of law in that respect all stamps used for denoting the tax upon fermented liquors or other taxes may, in the discretion of the Commissioner of Internal Revenue, be canceled by perforations to be made in such manner and form as the Commissioner may, by regulations, prescribe."

R. S., sec. 3339, p. 651, amended.

Proviso. Cancellation of stamps.

Special taxes repealed. Vol. 30, p. 448. *Post*, p. 407.

SEC. 2. That section two of said Act of June thirteenth, eighteen hundred and ninety eight, and all amendments thereof, are hereby repealed.

Tobacco taxes. Vol. 30, p. 449, and Vol. 31, p. 939, amended.

SEC. 3. That section three of said Act and amendments thereof be amended to read as follows:

"SEC. 3. That upon tobacco and snuff manufactured and sold, or removed for consumption or use, there shall be levied and collected, in lieu of the tax now imposed by law, the following taxes:

Snuff.

"On snuff, manufactured of tobacco or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use, a tax of six cents per pound. And snuff-flour, when sold, or removed for use or consumption, shall be taxed as snuff, and shall be put up in packages and stamped in the same manner as snuff.

Tobacco.

"On all chewing and smoking tobacco, fine cut, cavendish, plug, or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or

instrument, and without being pressed or sweetened; and on all fine-cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of six cents per pound.

Cigars and cigarettes.

"That the internal-revenue tax on cigars or cigarettes weighing more than three pounds per thousand shall be three dollars per thousand; and the tax on cigars weighing not more than three pounds per thousand shall be eighteen cents per pound, and on cigarettes weighing not more than three pounds per thousand and of a wholesale value or price of not more than two dollars per thousand shall be eighteen cents per pound; and the tax on cigarettes weighing not more than three pounds per thousand and of a wholesale value or price of more than two dollars per thousand shall be thirty-six cents per pound; and all such cigars and cigarettes weighing not more than three pounds per thousand shall, for purposes of taxation, be held and considered as weighing three pounds.

Packages.

"That in addition to the packages of smoking tobacco and snuff now authorized by law there shall be packages of one and two-thirds ounces, two ounces, two and one-half ounces, three ounces, three and one-third ounces, and four ounces; and there may be a package containing one ounce of smoking tobacco.

Drawback on stock held July 1, 1902.

SEC. 4. That on all original and unbroken factory packages of smoking and manufactured tobacco and snuff held by manufacturers or dealers on July first, nineteen hundred and two, upon which there has been paid a higher tax than that provided for in the preceding section of this Act, there shall be allowed a drawback or rebate equal to the full amount of the difference between such higher tax and the tax imposed by this Act, after making the proper allowance for discounts and rebates heretofore authorized, but the same shall not apply in any case where the claim has not been presented within sixty days after July first, nineteen hundred and two; and no claim shall be allowed or drawback paid for a less amount than ten dollars. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this section into effect.

Dealers' tax repealed. Vol. 30, p. 450.

SEC. 5. That section four of the Act of June thirteenth, eighteen hundred and ninety-eight, is hereby repealed.

Temporary use of old stamps. Vol. 30, p. 451, amended.

SEC. 6. That section five of the Act of June thirteenth, eighteen hundred and ninety-eight, be amended to read as follows:

"SEC. 5. That until appropriate stamps are prepared and furnished, the stamps heretofore used to denote the payment of the internal-revenue tax on fermented liquors, tobacco, and snuff may be stamped or imprinted with a suitable device to denote the new rate of tax, and shall be affixed to all packages containing such articles on which the tax imposed by this Act is paid. And any person having possession of unaffixed stamps heretofore issued for the payment of the tax upon fermented liquors, tobacco, and snuff shall present the same to the collector of the district, who shall receive them at the price paid for such stamps by the purchasers and issue in lieu thereof new or imprinted stamps at the rate provided by this Act."

Exchange of old stamps.

Stamp and legacy taxes repealed. Vol. 30, pp. 450, 451, 454, 456–464; Vol. 31, p. 940.

SEC. 7. That section four of said Act of March second, nineteen hundred and one, and sections six, twelve, eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, Schedule A, Schedule B, sections twenty-seven, twenty-eight, and twenty-nine of the Act of June thirteenth, eighteen hundred and ninety-eight, and all amendments of said sections and schedules be, and the same are hereby, repealed.

Lien on unpaid legacy taxes. Vol. 30, p. 464; Vol. 31, p. 948.

SEC. 8. That all taxes or duties imposed by section twenty-nine of the Act of June thirteenth, eighteen hundred and ninety-eight, and amendments thereof, prior to the taking effect of this Act, shall be

subject, as to lien, charge, collection, and otherwise, to the provisions of section thirty of said Act of June thirteenth, eighteen hundred and ninety-eight, and amendments thereof, which are hereby continued in force, as follows:

Legacy tax a lien on testator's property.

"SEC. 30. That the tax or duty aforesaid shall be due and payable in one year after the death of the testator and shall be a lien and charge upon the property of every person who may die as aforesaid for twenty years, or until the same shall, within that period, be fully paid to and

Notice by executor, etc.

discharged by the United States; and every executor, administrator, or trustee having in charge or trust any legacy or distributive share, as aforesaid, shall give notice thereof, in writing, to the collector or deputy collector of the district where the deceased grantor or bargainer last resided within thirty days after he shall have taken charge of such

Payment.

trust, and every executor, administrator, or trustee, before payment and distribution to the legatees, or any parties entitled to beneficial interest therein, shall pay to the collector or deputy collector of the district of which the deceased person was a resident, or in which the property was located in case of nonresidents, the amount of the duty

Schedules, etc.

or tax assessed upon such legacy or distributive share, and shall also make and render to the said collector or deputy collector a schedule, list, or statement, in duplicate, of the amount of such legacy or distributive share, together with the amount of duty which has accrued, or shall accrue, thereon, verified by his oath or affirmation, to be administered and certified thereon by some magistrate or officer having lawful power to administer such oaths, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, which schedule, list, or statement shall contain the names of each and every person entitled to any beneficial interest therein, together with the clear value of such interest, the duplicate of which schedule, list, or statement shall be by him immediately delivered, and the tax thereon

Receipts.

paid to such collector; and upon such payment and delivery of such schedule, list, or statement said collector or deputy collector shall grant to such person paying such duty or tax a receipt or receipts for the same in duplicate, which shall be prepared as hereinafter provided. Such receipt or receipts, duly signed and delivered by such collector or deputy collector, shall be sufficient evidence to entitle such executor, administrator, or trustee to be credited and allowed such payment by every tribunal which, by the laws of any State or Territory, is, or may be, empowered to decide upon and settle the accounts of execu-

Assessment, etc., by collector on failure of executor, etc.

tors and administrators. And in case such executor, administrator, or trustee shall refuse or neglect to pay the aforesaid duty or tax to the collector or deputy collector, as aforesaid, within the time hereinbefore provided, or shall neglect or refuse to deliver to said collector or deputy collector the duplicate of the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall neglect or refuse to deliver the schedule, list, or statement of such legacies, property, or personal estate, under oath, as aforesaid, or shall deliver to said collector or deputy collector a false schedule or statement of such legacies, property, or personal estate, or give the names and relationship of the persons entitled to beneficial interests therein untruly, or shall not truly and correctly set forth and state therein the clear value of such beneficial interest, or where no administration upon such property or personal estate shall have been granted or allowed under existing laws, the collector or deputy collector shall make out such lists and valuation as in other cases

Legal proceedings to recover.

of neglect or refusal, and shall assess the duty thereon; and the collector shall commence appropriate proceedings before any court of the United States, in the name of the United States, against such person or persons as may have the actual or constructive custody or possession of such property or personal estate, or any part thereof, and

shall subject such property or personal estate, or any portion of the same, to be sold upon the judgment or decree of such court, and from the proceeds of such sale the amount of such tax or duty, together with all costs and expenses of every description to be allowed by such court, shall be first paid, and the balance, if any, deposited according to the order of such court, to be paid under its direction to such person or persons as shall establish title to the same. The deed or deeds, or any proper conveyance of such property or personal estate, or any portion thereof, so sold under such judgment or decree, executed by the officer lawfully charged with carrying the same into effect, shall vest in the purchaser thereof all the title of the delinquent to the property or personal estate sold under and by virtue of such judgment or decree, and shall release every other portion of such property or personal estate from the lien or charge thereon created by this Act. And every person or persons who shall have in his possession, charge, or custody any record, file, or paper containing, or supposed to contain, any information concerning such property or personal estate, as aforesaid, passing from any person who may die, as aforesaid, shall exhibit the same at the request of the collector or deputy collector of the district, and to any law officer of the United States, in the performance of his duty under this Act, his deputy or agent, who may desire to examine the same. And if any such person, having in his possession, charge, or custody any such records, files, or papers, shall refuse or neglect to exhibit the same on request, as aforesaid, he shall forfeit and pay the sum of five hundred dollars: *Provided*, That in all legal controversies where such deed or title shall be the subject of judicial investigation, the recital in said deed shall be prima facie evidence of its truth, and that the requirements of the law had been complied with by the officers of the Government: *And provided further*, That in case of willful neglect, refusal, or false statement by such executor, administrator, or trustee, as aforesaid, he shall be liable to a penalty of not exceeding one thousand dollars, to be recovered with costs of suit. Any tax paid under the provisions of sections twenty-nine and thirty shall be deducted from the particular legacy or distributive share on account of which the same is charged."

Title vested in purchaser.

Exhibition of papers, etc.

Penalty for refusal.

Provisos.
Effect of recital of deed.

Penalty for neglect, etc.

Deduction.

SEC. 9. That section thirty-five of said Act of June thirteenth, eighteen hundred and ninety-eight, and the amendments thereof, be amended so as to read as follows:

Mixed flour.
Vol. 30, p. 467; Vol. 31, p. 949, amended.

"SEC. 35. That for the purposes of this Act, the words 'mixed flour' shall be taken and construed to mean the food product resulting from the grinding or mixing together of wheat, or wheat flour, as the principal constituent in quantity, with any other grain, or the product of any other grain, or other material, except such material, and not the product of any grain, as is commonly used for baking purposes: *Provided*, That when the product resulting from the grinding or mixing together of wheat or wheat flour with any other grain, or the product of any other grain, of which wheat or wheat flour is not the principal constituent as specified in the foregoing definition, is intended for sale, or is sold, or offered for sale as wheat flour, such product shall be held to be mixed flour within the meaning of this Act."

Definition.

SEC. 10. That section fifty of the Act of June thirteenth, eighteen hundred and ninety-eight, be repealed, to take effect January first, nineteen hundred and three.

Tea duty repealed.
Vol. 30, p. 470.

SEC. 11. That this Act, except as otherwise specially provided for in the preceding section, shall take effect July first, nineteen hundred and two.

In effect July 1, 1902, except as to tea.

Approved, April 12, 1902.