

[CHAPTER 814.]

AN ACT

To modify section 20 of the Permanent Appropriation Repeal Act, 1934, with reference to individual Indian money.

June 25, 1936.
[H. R. 8316.]
[Public, No. 806.]

Indian trust funds.
Provisions of Permanent Appropriation Repeal Act, 1934, not to apply to certain.

Vol. 48, pp. 988, 1233.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Permanent Appropriation Repeal Act, approved June 26, 1934 (48 Stat. 1233), shall not be applicable to funds held in trust for individual Indians, associations of individual Indians, or for Indian corporations chartered under the Act of June 18, 1934 (48 Stat. 984).
Approved, June 25, 1936.

[CHAPTER 815.]

AN ACT

To enforce the twenty-first amendment.

June 25, 1936.
[H. R. 8368.]
[Public, No. 807.]

Liquor Enforcement Act of 1936.

Definitions.
"State."

"Vessel."

"Vehicle."

Bringing intoxicating liquor into a State which forbids sale, etc.

Continuous transit excepted.

Penalty.

State's definition of intoxicating liquor to determine violation.

Seizures and forfeitures.

Internal-revenue laws made applicable.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Liquor Enforcement Act of 1936."

SEC. 2. (a) Wherever used in this Act the word "State" shall mean and include every State, Territory, and possession of the United States, unless otherwise specifically provided.

(b) As used in this Act the word "vessel" includes every description of water craft used, or capable of being used, as a means of transportation in water or in water and air; and the word "vehicle" includes animals and every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land or through the air.

SEC. 3. (a) Whoever shall import, bring, or transport any intoxicating liquor into any State in which all sales (except for scientific, sacramental, medicinal, or mechanical purposes) of intoxicating liquor containing more than 4 per centum of alcohol by volume are prohibited, otherwise than in the course of continuous interstate transportation through such State, or attempt so to do, or assist in so doing, shall: (1) If such liquor is not accompanied by such permit or permits, license or licenses therefor as are now or hereafter required by the laws of such State; or (2) if all importation, bringing, or transportation of intoxicating liquor into such State is prohibited by the laws thereof; be guilty of a misdemeanor and shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) In order to determine whether anyone importing, bringing, or transporting intoxicating liquor into any State, or anyone attempting so to do, or assisting in so doing, is acting in violation of the provisions of this Act, the definition of intoxicating liquor contained in the laws of such State shall be applied, but only to the extent that sales of such intoxicating liquor (except for scientific, sacramental, medicinal, and mechanical purposes) are prohibited in such State.

SEC. 4. All intoxicating liquor involved in any violation of this Act, the containers of such intoxicating liquor, and every vehicle or vessel used in the transportation thereof, shall be seized and forfeited. Such seizure and forfeiture, and the disposition of such property subsequent to seizure and forfeiture, or the disposition of the proceeds from the sale of such property, shall be in accordance with existing laws or those hereafter in existence relating to seizures,

forfeitures, and dispositions of property or proceeds, for violation of the internal-revenue laws.

SEC. 5. The Secretary of the Treasury shall enforce the provisions of this Act and of sections 238, 239, and 240 of the Criminal Code (U. S. C., 1934 ed., title 18, secs. 388-390), as herein amended.

Enforcement.
U. S. C., p. 753.

The Secretary of the Treasury is authorized to confer and impose upon the Commissioner of Internal Revenue and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary of the Treasury, or any officer or employee of the Treasury Department, by this Act, or by any law now or hereafter in force relating to the taxation, importation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

Delegation of authority, etc., for administering Act.

Regulations to carry out the provisions of this Act shall be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

Regulations to be prescribed.

SEC. 6. Section 238 of the Criminal Code (U. S. C., 1934 ed., title 18, sec. 388), is amended to read as follows:

Criminal Code amendments.
U. S. C., p. 753.

"Any officer, agent, or employee of any railroad company, express company, or other common carrier, who shall knowingly deliver or cause to be delivered to any person other than the person to whom it has been consigned, unless upon the written order in each instance of the bona fide consignee, or to any fictitious person, or to any person under a fictitious name, any spirituous, vinous, malted, or other fermented liquor or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, which has been shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

Delivering shipments to other than consignee; exception.

SEC. 7. Section 239 of the Criminal Code (U. S. C., 1934 ed., title 18, sec. 389) is amended to read as follows:

Penalty.

U. S. C., p. 753.

"Any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation of any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, which prohibits the delivery or sale therein of such liquor, or from any foreign country into any such State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall collect the purchase price or any part thereof, before, on, or after delivery, from the consignee, or from any other person, or shall in any manner act as the agent of the buyer or seller of any such liquor, for the purpose of buying or selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined not more than \$5,000 or imprisoned not more than one year, or both."

Carrier, etc., collecting purchase price, or acting as agent of buyer or seller.

Penalty.

U. S. C., p. 753.

SEC. 8. Section 240 of the Criminal Code (U. S. C., 1934 ed., title 18, sec. 390) is amended to read as follows:

Shipping unlabeled packages in interstate, etc., commerce.

"Whoever shall knowingly ship or cause to be shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law."

Fine, forfeiture, etc.

Shipments, etc., contrary to State laws; section repealed. Vol. 43, p. 316; U. S. C., p. 1223.

SEC. 9. Section 5 of the Act entitled "An Act making appropriations for the Post Office Department for the year ending June 30, 1918", approved March 3, 1917, as amended (U. S. C., 1934 ed., title 27, sec. 123), as amended, is hereby repealed.

Application of existing laws.

SEC. 10. Nothing contained in this Act shall repeal any other provisions of existing laws except such provisions of such laws as are directly in conflict with this Act and nothing in this Act shall apply to the Canal Zone.

Canal Zone.

Separability provisions.

SEC. 11. If any provision of this Act, or the application thereof to any person or circumstances, be held invalid, the remainder of the Act, and the application of such provision to other persons or circumstance, shall not be affected thereby.

Effective date.

SEC. 12. This Act shall be effective as of the thirtieth day following the date of its enactment.

Approved, June 25, 1936.

[CHAPTER 816.]

AN ACT

June 25, 1936. [H. R. 8597.]

[Public, No. 808.]

To amend section 13 of the Act of March 4, 1915, entitled "An Act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea"; to maintain discipline on shipboard; and for other purposes.

Merchant seamen. Vol. 33, p. 1169; U. S. C., p. 2044.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Act of March 4, 1915, be amended to read as follows:

Crew requirements. Proportion able to understand orders.

"SEC. 13. (a) That no vessel of one hundred tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in section 1 of this Act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per centum of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 65 per centum of her deck crew, exclusive of licensed officers and apprentices, are of a rating not less than able seamen. Every person shall be rated an able seaman, and qualified for service as such on the seas, who is nineteen years of age

Percentage of able seamen.

Rating of able seamen; qualifications.