BENDER'S WAR REVENUE LAW, 1914. AN ACT TO INCREASE THE INTERNAL REVENUE, AND FOR OTHER PURPOSES, APPROVED OCTOBER 22, 1914; ANNOTATED WITH REFERENCE TO EARLIER ACTS AND TO OTHER EXTANT LAWS; TABLE OF CASES, INDEX, ETC

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MATTHEW BENDER

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BY THE PUBLISHER'S EDITORIAL STAFF.



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PREFACE.

EXCUSE IF NOT JUSTIFICATION

"The War Revenue Act has been especially productive of doubtful questions."—Report of Atty. Gen., 1898, p. iii.

According to the latest official record, based upon the figures of the Department of Justice, there were 4,431 cases on Internal Revenue Law pending in the Federal courts. (Report of Commissioner for 1913, p. 18.)

The new Act repeals nothing and adds or revives much statute law—much of the very sort of thing in the way of hasty legislation which makes for litigation, as well as administrative difficulty.

[iiii]

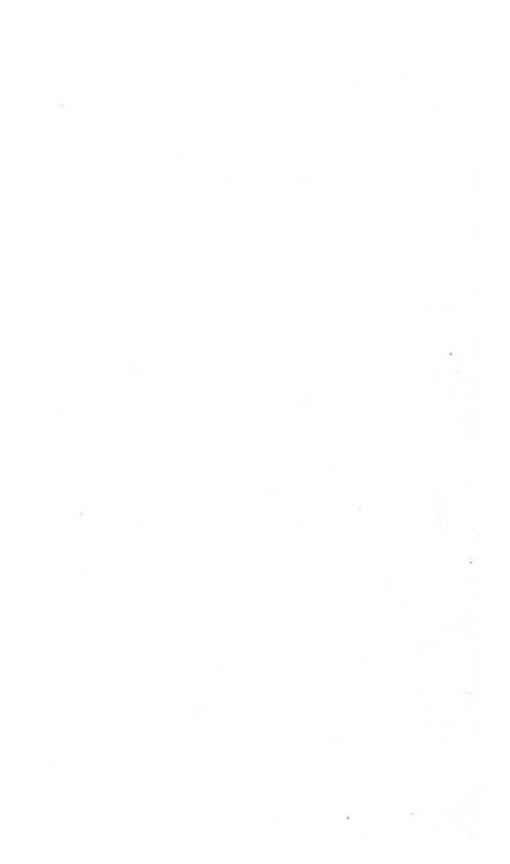


TABLE OF CONTENTS.

	PAGE			
Preface	iii			
Introductory, Historical and General				
Table of U. S. Internal Revenue Statutes				
Other Internal Revenue Taxes in force	xxi			
Act of October 22, 1914	1 - 124			
Beer, etc	1, 2			
Wines, etc	4, 16			
Special taxes	22, 45			
Tobacco mfrs., etc	39, 43			
Adhesive stamps	46			
Schedule A., documentary stamps	80, 89			
Schedule B., mercantile stamps				
Other laws made applicable	110			
Assessment and collection	111			
Penalties	114			
Protest and reclamation	117			
Construction of laws	119			
Taking effect	124			
Biographical Notes	129			
Table of Taxes	135			
Table of Cases	143			
Condensed catch line index to the Act	161			
Index	167			



INTRODUCTORY AND GENERAL.

The Internal Revenue Act of 1914, Act of October 22, 1914, will doubtless commonly be referred to as a War Tax, although it is not technically such by its title. It is rather a rule-of-thumb expedient for raising needed money than a carefully devised instrument of scientific finance. The very use of the word "war," in and out of Congress, implies that, whereas under normal conditions other sources of revenue, such as the tariff, are preferable, a state of war may so reduce foreign trade and customs duties as to necessitate a resort to additional internal revenue measures. We experienced this in 1813, in 1861, in 1898, and now again (though the present war is not our own), in 1914.

In a sense, excise and stamp taxes are more burdensome and annoying than tariff duties; and memories and traditions of abuses incident to crude, primitive excise systems partly explain this feeling.¹

1. Even in Hamilton's day the opposition to excise was more traditional than rational. There was, perhaps, an economic explanation of the Whisky Rebellion and some other forms of opposition. We now smile, however, at the talk in the early Congress about internal revenue taxes per se being, "the horror of all free states" . . "hostile to the liberties of the peo-

ple"... "would convulse
the government; let loose a
swarm of harpies who, under the
denomination of revenue officers,
will range the country, prying
into everyman's house and affairs, and, like the Macedonian
phalanx, bear down all before
them"... "grog, a necessary article of drink"...
"a shirt shall not be washed
without an excise," etc. It has