

Danovitz Vs. United States

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Court : US Supreme Court

Decided On : May-05-1930

Appeal No. : 281 U.S. 389

Appellant : Danovitz

Respondent : United States

Judgement :

Danovitz v. United States - 281 U.S. 389 (1930)

U.S. Supreme Court Danovitz v. United States, 281 U.S. 389 (1930)

Danovitz v. United States

No. 424

Argued April 23, 1930

Decided May 5, 1930

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CERTIORARI TO THE CIRCUIT COURT OF APPEALS

FOR THE THIRD CIRCUIT

SYLLABUS

1. Upon review of a judgment forfeiting contraband property under 25, Title II of the Prohibition Act, the sufficiency and effect of the evidence are not open if the trial was to the judge without written waiver of a jury. P. [281 U. S. 396](#) .
2. The word "manufacture" may be used to express the whole process by which an article is made ready for sale on the open market. *Id.*
3. The purpose of the Prohibition Act was to suppress the entire traffic that it condemns, and it should be liberally construed to that end. P. [281 U. S. 397](#) .
4. Decisions under the revenue acts have little weight as against legislation under the 18th Amendment. *Id.*
5. Empty barrels and bottles, corks, labels and cartons offered for sale in such mode as purposely to attract purchasers who want them for the unlawful "manufacture" of intoxicating liquor for sale are designed for that manufacture within the meaning of 25, Title II of the Prohibition Act, and are subject to seizure and forfeiture. *Id.*

34 F.2d 30, affirmed.

Certiorari, 280 U.S. 548, to review a decision of the circuit court of appeals affirming a decree of forfeiture under the Prohibition Act.

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MR. JUSTICE HOLMES delivered the opinion of the Court.

This is a libel of the forfeiture of alleged contraband liquors, property and material designed for the manufacture of contraband liquors, specifically described, and alleged to have been unlawfully held in violation of 23, Tit. 2, of the National Prohibition Act. The district court found that the allegations of fact contained in the libel were sustained, and ordered a decree of forfeiture. The decree was affirmed

by the circuit court of appeals, 34 F.2d 30. A writ of certiorari was granted

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by this Court, but confined to the single question whether the property seized is forfeitable under 25, Tit. 2, of the National Prohibition Act. 280 U.S. 548.

The property in question was containers, barrels, bottles, corks, labels, cartons, etc. By the statute, it is

"unlawful to have or possess any liquor or property designed for the manufacture of liquor intended for use in violating this chapter or which has been so used, and no property rights shall exist in any such liquor or property."

A search warrant may issue,

"and such liquor, the containers thereof, and such property so seized shall be subject to such disposition as the court may make thereof. If it is found that such liquor or property was so unlawfully held or possessed, or had been so unlawfully used, the liquor, and all property designed for the unlawful manufacture of liquor shall be destroyed unless the court shall otherwise order."

Act of October 28, 1919, c. 85, Tit. 2, 25, 41 Stat. 305, 315, U.S.Code, Tit. 27, 39. The argument for the petitioner, so far as it does not go beyond the limits set in granting the writ of certiorari, is that empty containers, bottles and the other apparatus described, cannot be used in or designed for the manufacture of liquor, because the manufacture is completed before that apparatus comes into play. There is a further argument that the containers were not designed in fact for the manufacture of liquor even if they could be, but the objection to this is that, if the terms in which the writ was granted do not exclude it, the case having been tried without written waiver of jury, the sufficiency and effect of evidence are not open. Commissioner of Road District No. 2 v. St. Louis Southwestern Ry. Co., [257 U. S. 547](#) , [257 U. S. 562](#) .

The argument for the petitioner cannot be helped by amplification. It is obviously correct if the word "manufacture" be taken in the strictest and most exact sense.

But the word may be used in a looser way to express the whole process by which an article is made

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ready for sale on the open market. *P. Lorillard Co. v. Ross*, 183 Ky. 217, 223. As the purpose of the Prohibition Act was to "suppress the entire traffic" condemned by the act, *United States v. Katz*, [271 U. S. 354](#) , [271 U. S. 357](#) ; *Donnelley v. United States*, [276 U. S. 505](#) , [276 U. S. 513](#) , it should be liberally construed to the end of this suppression, and so directs. Title 2, 3, of the Act, Code, Title 27, 12. The decisions under the revenue acts have little weight as against legislation under the afflatus of the Eighteenth Amendment. We are of opinion that the word was used in this looser way, and that, if the empty containers and the other objects seized were offered for sale in such a mode as purposely to attract purchasers who wanted them for the unlawful manufacture, as we interpret the word, they were designed for that manufacture, and could be seized.

Decree affirmed.

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