

L. J. Moore
IN RE: PERMIT FOR RECTIFYING WHISKEY IN MISSOURI.

11-3
October 21, 1933



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Honorable George H. Moore
Attorney at Law
Boatmen's Bank Building
St. Louis, Missouri

Dear Sir:

Your letter of October 11th, reads as follows:

"I have had several inquiries from people who desire to secure permits as rectifiers of whiskey, as to what the possibilities may be establishing such a business in this state at the present time.

In view of the imminence of the repeal of the Federal Prohibition Law, it becomes a matter of practical interest as to the possibility of establishing such a business in the state of Missouri."

LEGISLATURE OF 1931 PASSED
ACT PURPORTING TO REPEAL
STATUTE LICENSING RECTIFIERS.

On page 265, 266 Session Laws Missouri 1931, will be found the following Act:

"AN ACT to repeal sections 6498, 6499, 6500, 6501, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6512, 6513, 6514, 6516, 6517, 6518, 6519, 6520, 6521, 6522, 6523, 6524, 6525, 6526, 6527, 6528, 6529, 6530, 6531, 6532, 6533, 6534, 6535, 6536, 6537, 6538, 6539, 6540, 6541, 6542, 6543, and 6544, article 1, chapter 52, Revised Statutes, 1919, (not in 1929 R. S.), entitled "Intoxicating Liquors," and relating

to 'dramshops'. Also section 6545, 6546, 6547, 6548, 6549, 6550, 6551 and 6552, being all of article 2, chapter 52, Revised Statutes 1919, (not in 1929 R. S.) relating to 'board of excise commissioners in certain cities.' Also sections 6553, 6554, 6555, 6556, 6557, 6558, 6559, 6560, 6561, 6562 and 6563, being all of article 3, chapter 52, Revised Statutes 1919, (not in 1929 R. S.), relating to 'excise commissioners in certain counties.' Also sections 6564, 6565, 6566, 6567, 6568, 6569, 6570 and 6571, being all of article 4, chapter 52, Revised Statutes 1919, (not in 1929 R. S.), relating to 'local option'. Also sections 6572, 6573, 6574, 6575, 6576, 6577, 6578, 6579, 6580, 6581 and 6582, being all of article 5, chapter 52, R. S. 1919, (not in 1929 R. S.), relating to 'licenses of manufacturers, rectifiers, wholesale and retail dealers other than dramshop keepers.' Also sections 6583, 6584, 6585 and 6587, being all of article 6, chapter 52, Revised Statutes 1919 (not in 1929 R. S.), relating to 'licensing and taxing wholesale liquor dealers and agents.' Also section 6605, article 7, chapter 52, Revised Statutes 1919, (not in 1929 R. S.), relating to 'prohibition, effective when!'

The above repealing act mentions section, chapter and describes title of act in which repealed sections occur,

Section 6572, article 5, chapter 52, of R. S. No. 1919, repealed by act of 1931, reads as follows:

"It shall be unlawful for any person, firm or corporation to manufacture, rectify, sell or expose to sale in this state intoxicating liquors of any kind in any quantity, except wines or spirits made from grapes or fruits grown in this state, without first taking out a license under the provisions of this article; but this article shall not apply to the sale of liquors by dramshop keepers licensed under the laws of this state; Provided, that the possession of an internal revenue license, issued by the government of the United States, for the manufacture, rectifying or sale of malt, fermented, spirituous or other intoxicating liquors within this state, except by

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licensed dramshop keepers and makers and sellers of wines or spirits produced from grapes or fruits grown in this state, shall be prima facie evidence that the person, firm or corporation named in such internal revenue license is engaged in the manufacture or sale of intoxicating liquors in the meaning of this article."

Section 6572 R. S. Mo. being repealed there is no law now on the statute books authorizing license or permit for rectifying liquors in this State.

Section 4496 R. S. Mo. 1929, defines intoxicating liquor as any potable beverage containing one-half of one per cent by volume.

It is the opinion of this Department no permit nor license can at this time be legally issued to a 'rectifier' in this state.

Very respectfully,

ROY McKITTRICK
Attorney General,

EDWARD C. CROW
Assistant Attorney General.