

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 897  
HOUSE BILL 905

1 AN ACT TO REWRITE G.S. 14-329 REGARDING THE PUNISHMENT FOR VARIOUS  
2 ACTS OF TRAFFICKING IN SPIRITUOUS LIQUOR CONTAINING FOREIGN  
3 PROPERTIES OR INGREDIENTS POISONOUS TO THE HUMAN SYSTEM.  
4

5 The General Assembly of North Carolina do enact:  
6

7 **Section 1.** G.S. 14-329 is rewritten to read as follows:

8 "**§ 14-329. Trafficking in, transporting, or possessing poisonous liquors.** (a) Any person  
9 who, either individually or as an agent for any person, firm or corporation, shall manufacture  
10 for use as a beverage, any spirituous liquor which is found to contain any foreign properties or  
11 ingredients poisonous to the human system, shall be guilty of a felony and shall be punished by  
12 imprisonment in the State's prison not less than five years, and may be fined in the discretion of  
13 the court.

14 "(b) Any person who, either individually or as agent for any person, firm or corporation,  
15 shall, knowing, or having reasonable grounds to know of the poisonous qualities thereof,  
16 transport for other than personal use, sell or possess for purpose of sale, for use as a beverage,  
17 any spirituous liquor which is found to contain any foreign properties or ingredients poisonous  
18 to the human system, shall be guilty of a felony and shall be punished by imprisonment in the  
19 State's prison for not less than twelve months, and may be fined in the discretion of the court.

20 "(c) Any person who, either individually or as agent for any person, firm or corporation,  
21 shall transport for other than personal use, sell or possess for purpose of sale, any spirituous  
22 liquor to be used as a beverage which is found to contain any foreign properties or ingredients  
23 poisonous to the human system, shall be guilty of a misdemeanor and shall be punished by  
24 imprisonment for not less than six months, and may be fined in the discretion of the court. In  
25 prosecutions under this subsection and under subsection (b) above, proof of transportation of  
26 more than one gallon of spirituous liquor will be prima facie evidence of transportation for  
27 other than personal use, and proof of possession of more than one gallon of spirituous liquor  
28 will be prima facie evidence of possession for purpose of sale.

29 "(d) Any person who, either individually or as agent for any person, firm or corporation,  
30 shall transport or possess, for use as a beverage, any illicit spirituous liquor which is found to  
31 contain any foreign properties or ingredients poisonous to the human system, shall be guilty of  
32 a misdemeanor and shall be punished by a fine of not less than two hundred dollars (\$200.00),  
33 and may be imprisoned in the discretion of the court: Provided, anyone charged under this  
34 subsection may show as a complete defense that the spirituous liquor in question was legally  
35 obtained and possessed and that he had no knowledge of the poisonous nature of the beverage."

36 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

37 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

38 In the General Assembly read three times and ratified, this the 16th day of June,  
39 1961.