

## Proceedings of the Courts.

**United States District Court.—Judge Giles.—**  
Oden Bowie vs. George W. Sands, collector of internal revenue fifth collection district of Maryland; before reported. Judge Giles yesterday gave judgment in this case, and filed the following opinion:

"The statement of facts filed in this case shows that the plaintiff paid in 1863 and 1864 the income tax due upon the products of his farm for the years 1862 and 1863, although said products remained unsold—but said products were sold in 1864, and that the assessor in 1865 included the proceeds of sale with the income of the plaintiff for the year 1864, and the collector required him to pay the income tax on the same, which plaintiff did under protest. That in estimating plaintiff's income for the year 1864 the assessor included in said income the value of agricultural products consumed by plaintiff's family in said year.

"I am of opinion that in the first question the collector was wrong—that the tax on the income authorized to be levied and collected by the act passed March 3d, 1865, was only upon the products of the plaintiff's farm for the year ending the 31st of December, 1864, and for such of those products of that year only as should be sold or used by plaintiff during that year, and did not authorize a tax upon the products of the plaintiff's farm for any previous years, unsold and on hand at the close of those years, and sold in 1864.

"Upon the second question I think the collector was right. The tax imposed by the act of 1864, as by the previous acts, was a tax upon the gross income or gains of a man of the preceding year, and no deductions are to be made, except those specially authorized in said act. I construe the 117th section, (in connection with the 116th) as if read, 'or the vegetable or other productions being the growth or produce of the estate of such person sold, not including any part thereof unsold, and (or) on hand during the year next preceding the 31st of December, until the same shall be sold,' &c. I construe the word 'or,' 'and,' to further the evident intention of Congress, and to fully carry into effect the provisions of the 116th section. I therefore direct judgment to be entered for the plaintiff for the sum of \$2,013 92, with interest from October 19th, 1865, and costs. Amount of judgment up to date, with interest, \$2,137 43."