CHAP. CLXIV.—*An Act to prevent Smuggling, and for other Purposes.* June 27, 1864.

1864, ch. 239. *Post*, p. 381.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, all goods, wares, and merchandise, and all baggage and effects of passengers, and all other articles imported into the United States from any contiguous foreign country or countries, except as hereafter provided, as well as the vessels, cars, and other vehicles and envelopes in which the same shall be imported, shall be unladen in the presence of, and be inspected by, an inspector or other officer of the customs, at the first port of entry or custom-house in the United States where the same shall arrive; and to enable the proper officer thoroughly to discharge this duty, he may require the owner or owners, or his, her, or their agent, or other person having charge or possession of any trunk, travelling-bag or sack, valise, or other envelope, or of any closed vessel, car, or other vehicle, to open the same, or to deliver to him the proper key; and if such owner, agent, or other person shall refuse or neglect to comply with his demands, the said officer shall retain such trunk, travelling-bag or sack, valise, or whatsoever it may be, and open the same, and, as soon thereafter as may be practicable, examine the contents; and if any article or articles subject to the payment of duty shall be found therein, the whole contents, together with the envelope, shall be forfeited to the United States, and disposed of as the law provides in other similar cases. And if any such dutiable goods, article or articles, shall be found in such vessel, car, or other vehicle, the owner, agent, or other person in charge of which shall have refused to open the same or deliver the key as herein provided, the same, together with the vessel, car, or other vehicle, shall be forfeited to the United States, and shall be held by such officer, to be disposed of as the law provides in other similar cases of forfeiture.

Goods, &c., imported, how to be unladen and inspected at first port of arrival.

Trunks, closed vessels, &c., to be opened, &c.;

to be forfeited if dutiable articles are found therein.

SEC. 2. *And be it further enacted*, That to avoid the inspection at the first port of arrival, required by the first section of this act, the owner, agent, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such goods, wares, merchandise, baggage, effects, or other articles, may apply to any officer of the United States duly authorized to act in the premises, to seal or close the same, under and according to the regulations hereinafter authorized, previous to their importation into the United States; which officer shall seal or close the same accordingly; whereupon the same may proceed to their port of destination without further inspection: *Provided*, That nothing contained in this section shall be construed to exempt such vessel, car, or vehicle, or its contents, from such examination as may be necessary and proper to prevent frauds upon the revenue and violations of this act: *And provided, further*, That every such vessel, car, or other vehicle, shall proceed, without unnecessary delay, to the port or place of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected, as provided in section one.

Proceedings to avoid inspection at first port.

Proviso.

Proviso.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and required to make such regulations, and from time to time so to change the same as to him shall seem necessary and proper, for sealing such vessels, cars, and other vehicles, when practicable, and for sealing, marking, and identifying such goods, wares, merchandise, baggage, effects, trunks, travelling-bags or sacks, valises, and other envelopes and articles; and also in regard to invoices, manifests, and other pertinent papers, and their authentication.

Regulations for sealing, &c., cars, marking goods, &c.

SEC. 4. *And be it further enacted*, That if the owners, master, or person in charge of any vessel, car, or other vehicle, sealed as aforesaid, shall not proceed to the port or place of destination thereof named in the manifest of its cargo, freight, or contents, and deliver such vessel, car, or vehicle, to the proper officer of the customs, or shall dispose of the same by sale or

Penalty on owners, &c., for not proceeding to place of destination, &c.

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otherwise, or shall unload the same, or any part thereof, at any other than such port or place, or shall sell or dispose of the contents of such vessel, car, or other vehicle, or any part thereof, before such delivery, he shall be deemed guilty of felony, and on conviction thereof, before any court of competent jurisdiction, pay a fine not exceeding one thousand dollars, or shall be imprisoned for a term not exceeding five years, or both, at the discretion of the court; and such vessel, car, or other vehicle, with its contents, shall be forfeited to the United States, and may be seized wherever found within the United States, and disposed of and sold as in other cases of forfeiture: *Provided*, That nothing in this section shall be construed to prevent sales of cargo, in whole or in part, prior to arrival, to be delivered as per manifest, and after due inspection.

Proviso.

Penalty for unlawful breaking or opening, &c., seals, fastenings, &c.

SEC. 5. *And be it further enacted*, That if any unauthorized person or persons shall wilfully break, cut, pick, open, or remove any wire, seal, lead, lock, or other fastening or mark attached to any vessel, car, or other vehicle, crate, box, bag, bale, basket, barrel, bundle, cask, trunk, package, or parcel, or anything whatsoever, under and by virtue of this act and regulations authorized by it, or any other act of congress, or shall affix or attach, or in any way wilfully aid, assist, or encourage the affixing or attaching, by wire or otherwise, to any vessel, car, or other vehicle, or to any crate, box, bale, barrel, bag, basket, bundle, cask, package, parcel, article, or thing of any kind, any seal, lead, metal, or anything purporting to be a seal authorized by law, such person or persons shall be deemed guilty of felony, and, upon conviction before any court of competent jurisdiction, shall be imprisoned for a term not exceeding five years, or shall pay a fine of not exceeding one thousand dollars, or both, at the discretion of the court. And each vessel, car, or other vehicle, crate, box, bag, basket, barrel, bundle, cask, trunk, package, parcel, or other thing, with the cargo, or contents thereof, from which the wire, seal, lead, lock, or other fastening or mark shall have been broken, cut, picked, opened, or removed by any such unauthorized person or persons, or to which such seal or other thing purporting to be a seal, has been wrongfully attached as aforesaid, shall be forfeited to the United States.

Penalty under act 1862, ch. 169, § 1, and how applied. Vol. xii. p. 571.

SEC. 6. *And be it further enacted*, That from and after the passage of this act the penalty for violating any of the provisions of the first section of the act entitled "An act to further provide for the collection of the revenue upon the northern, northeastern, and northwestern frontier, and for other purposes," approved July fourteen, one thousand eight hundred and sixty-two, shall be a fine of one hundred dollars, and the same shall be disposed of and applied as herein provided for the distribution of fines and penalties recovered by virtue of this act; and so much of the said first section as conflicts herewith is hereby repealed.

Additional inspectors.

SEC. 7. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to appoint whenever he shall think it necessary, additional inspectors of the revenue for the districts named below, as follows, to wit: Passamaquoddy, Maine, four; Portland and Falmouth, Maine, eight; Boston and Charlestown, Massachusetts, fourteen; Pembina, Minnesota, two; Chicago, Illinois, eight; Michilimackinac, Michigan, two; Sandusky, Ohio, one; Cuyahoga, Ohio, three; Erie, Pennsylvania, one; Dunkirk, New York, one; Buffalo Creek, New York, six; Niagara, two; Genesee, two; Oswego, five; Oswegatchie, two; Champlain, four; Vermont, two.

Secretary may remit certain fines, &c.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury shall have authority to remit in whole or in part, and upon such terms as he shall judge right, the fines, penalties, or forfeitures incurred or accruing under the provisions of this act, or of said act approved July fourteen, eighteen hundred and sixty-two, if, in his opinion, the same shall have been incurred without wilful negligence or any intention of fraud in the person or persons incurring the same; and he shall have authority to

ascertain the facts upon applications for remission under this act in such manner and under such regulations as shall be by him prescribed, and all fines, penalties, and forfeitures, recovered by virtue of this act, shall, after deducting all proper costs and charges, be disposed of and applied as provided in the ninety-first section of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved on the second of March, in the year one thousand seven hundred and ninety-nine.

Facts, how may be ascertained.

Fines, &c., how disposed of.

1799, ch. 22. Vol. i. p. 697.

APPROVED, June 27, 1864.

CHAP. CLXV. — *An Act in Relation to the Circuit Court in and for the District of Wisconsin, and for other Purposes.*

June 27, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to enable the district courts of the United States to issue execution and other final process in certain cases," approved March three, eighteen hundred and sixty-three, be, and the same is hereby, repealed.

Repeal of act 1863, ch. 113. Vol. xii. p. 807.

SEC. 2. *And be it further enacted*, That in all cases, wherein the district courts of the United States within and for the several districts of Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas had rendered judgments or decrees prior to the passage of an act approved July fifteenth, eighteen hundred and sixty-two, creating circuit courts for said districts, which cases might have been brought, and could have been originally cognizable in a circuit court, the original papers and all other papers now on file in the district courts aforesaid, shall be transferred into the clerk's office of the circuit court for the district in which said causes were heard and determined. And it shall be the duty of the district-court clerks of said districts, respectively, to have said papers so removed. And it shall also be the duty of said district-court clerks to transfer to the offices of the circuit-court clerks aforesaid the books of records and journals of the district courts aforesaid, in which are any entries, orders, or proceedings affecting, or in any manner relating to, cases which were of circuit-court cognizance, or which might have been presented in a circuit court, after having first copied into a book for that purpose provided, all entries, orders, or other proceedings, which may be found in said books, journals, or records relating in any manner to cases which were not of circuit-court cognizance, and which could not have been prosecuted in a circuit court.

Papers in cases in certain district courts to be transferred to circuit courts. 1862, ch. 178. Vol. xii. p. 576.

Proviso.

SEC. 3. *And be it further enacted*, That for the necessary costs and expenses of this transfer of books and papers, and for the expense of procuring books to copy the entries and orders above mentioned, and for the copying of said record entries from the original book into the new one, at the same rate of compensation now allowed to clerks of courts for copies from their records, the clerks of the district courts shall be paid, out of any money in the treasury of the United States not otherwise appropriated, upon the certificate of the judge of the district court.

Cost of transfer and fees.

SEC. 4. *And be it further enacted*, That the transcripts thus made into a new book, after said book shall have been certified by the clerk to be full and true copies from the original book, shall have the same force and effect as records as the originals; and that the clerks of the circuit courts aforesaid shall be the custodians of the books and papers transferred to their offices, and their certificate of a transcript of any of said books or papers shall be received in evidence with the like effect as if made by the clerk of the court in which the proceedings were had.

Transcripts certified to, to have same effect as originals.

Clerks to have custody of papers.

SEC. 5. *And be it further enacted*, That the terms of the circuit and district courts of the United States for said district of Wisconsin shall hereafter be held as follows: at the city of Milwaukie, in said district, on the second Monday of April and the second Monday of September, and at the city of Madison, in said district, on the first Monday of January in each

Terms of circuit and district courts in Wisconsin.