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Penalty for violation.

person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved, June 15, 1937.

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[CHAPTER 360]

AN ACT

June 16, 1937
[S. 470]

For the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne.

[Private, No. 163]

Joseph M. Cacace and others.
Preamble.

Whereas in the District Court of the United States for the Eastern District of Virginia, on the 20th day of November 1934, John T. Cacace was convicted of an offense and was thereupon admitted to bail in the penalty of $10,000 pending his motion for a new trial, and executed a recognizance for said sum with Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne, his brothers and sister, as sureties; and

Whereas on the 23d of November 1934, said John T. Cacace without the knowledge, consent, or connivance of said sureties, willfully defaulted by leaving the jurisdiction and failed to appear on November 26, the time appointed for the hearing of his motion for a new trial, whereupon he was declared in default and on motion of the United States, by its attorney, a scire facias issued on said date returnable on November 30, on which last-named date the court declined to give the sureties on said bond additional time for the purpose of attempting to produce said convict but forfeited said bond and entered judgment against the stipulators for the sum of $10,000 and costs; and

Whereas, on December 6, 1934, the said John T. Cacace voluntarily surrendered himself to the marshal of the district and was thereafter sentenced and is now serving his term in a penitentiary designated by the court; and

Whereas the sureties on said recognizance filed their petition in said court, on December 8, 1934, praying that said judgment might be set aside and the forfeiture remitted, which prayer has been refused by the court upon the ground that under the statute in such case made and provided it had no discretion where the default was willful; and

Whereas by the voluntary appearance and the sentencing of said convict the ends of justice have been accomplished without additional expense to the Government so that nothing further is to be gained by the enforcement of said judgment, which enforcement will cause said stipulators to lose their homes by foreclosure under execution: Now, therefore,

Release from liability for payment of court judgment.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the clerk of the United States District Court for the Eastern District of Virginia at Norfolk is hereby authorized and directed to satisfy, of record, the judgment obtained by the United States on November 30, 1934, against Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne, who are hereby relieved of all liability to the United States for the payment of said judgment, which was entered against them as sureties on the criminal bail bond executed in behalf of John T. Cacace, the latter having failed to appear after he had willfully departed from the jurisdiction without the knowledge, consent, or connivance of said sureties. Said John T. Cacace subsequently voluntarily appeared on December 6, 1934, without cost to the Government, and was sentenced to imprisonment for conspiracy to violate the National Motor Vehicle Theft Act in accordance with his previous conviction on November 24, 1934.

Approved, June 16, 1937.