

March 2, 1867. CHAP. CLXXXVII. — *An Act to abolish and forever prohibit the System of Peonage in the Territory of New Mexico and other Parts of the United States.*

Peonage declared unlawful, and abolished.

Acts establishing it, &c. void.

Penalty for holding, &c. a person in peonage.

Foregoing section to be enforced.

Penalty for obstructing its enforcement.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the holding of any person to service or labor under the system known as peonage is hereby declared to be unlawful, and the same is hereby abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State of the United States, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, be, and the same are hereby, declared null and void; and any person or persons who shall hold, arrest, or return, or cause to be held, arrested, or returned, or in any manner aid in the arrest or return of any person or persons to a condition of peonage, shall, upon conviction, be punished by fine not less than one thousand nor more than five thousand dollars, or by imprisonment not less than one nor more than five years, or both, at the discretion of the court.

SEC. 2. *And be it further enacted,* That it shall be the duty of all persons in the military or civil service in the Territory of New Mexico to aid in the enforcement of the foregoing section of this act; and any person or persons who shall obstruct or attempt to obstruct, or in any way interfere with, or prevent the enforcement of this act, shall be liable to the pains and penalties hereby provided; and any officer or other person in the military service of the United States who shall so offend, directly or indirectly, shall, on conviction before a court-martial, be dishonorably dismissed the service of the United States, and shall thereafter be ineligible to reappointment to any office of trust, honor, or profit under the government.

APPROVED, March 2, 1867.

March 2, 1867. CHAP. CLXXXVIII. — *An Act to regulate the Disposition of the Proceeds of Fines, Penalties, and Forfeitures incurred under the Laws relating to the Customs, and for other Purposes.*

From proceeds of fines, penalties, &c. under customs laws, deductions to be made of charges, &c.;

of an amount equal to the duties in coin.

Residue, how distributed;

one half to United States; one fourth to informer;

one fourth to collector, naval officer, and surveyor, equally.

Where officer of revenue cut-

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from the proceeds of fines, penalties, and forfeitures incurred under the provisions of the laws relating to the customs, there shall be deducted such charges and expenses as are by law in each case authorized to be deducted; and in addition, in case of the forfeiture of imported merchandise of a greater value than five hundred dollars on which duties have not been paid, or in case of a release thereof, upon payment of its appraised value, or of any fine or composition in money, there shall also be deducted an amount equivalent to the duties in coin upon such merchandise, (including the additional duties, if any,) which shall be credited in the accounts of the collector as duties received, and the residue of the proceeds aforesaid shall be paid into the treasury of the United States, and distributed, under the direction of the Secretary of the Treasury, in the manner following, to wit; one half to the United States; one fourth to the person giving the information which has led to the seizure, or to the recovery of the fine or penalty, and if there be no informer other than the collector, naval officer, or surveyor, then to the officer making the seizure; and the remaining one fourth to be equally divided between the collector, naval officer, and surveyor, or such of them as are appointed for the district in which the seizure has been made, or the fine or penalty incurred, or, if there be only a collector, then to such collector. But where any fine, penalty, or forfeiture, incurred by virtue of the laws relating to customs, shall be recovered in

consequence of any information given by an officer of a revenue cutter, the proceeds thereof shall, after the legal deductions, including the deductions herein authorized, have been made, be disposed of as follows: one fourth to the United States, one fourth to the officers of the customs, as hereinbefore provided; and the remainder to the officers of such revenue cutter, to be divided among them in proportion to their pay.

ter is informer, residue how divided.

SEC. 2. *And be it further enacted*, That whenever it shall be made to appear to the satisfaction of the judge of the district court for any district in the United States, by complaint and affidavit, that any fraud on the revenue has been committed by any person or persons interested, or in any way engaged, in the importation or entry of merchandise at any port within such district, said judge shall forthwith issue his warrant directed to the marshal of the district, requiring said marshal, by himself or deputy, to enter any place or premises where any invoices, books, or papers are deposited relating to the merchandise in respect to which such fraud is alleged to have been committed, and to take possession of such books or papers and produce them before the said judge; and any invoices, books, or papers so seized shall be subject to the order of said judge, who shall allow the examination of the same by the collector of customs of the port into which the alleged fraudulent importation shall have been made, or by any officer duly authorized by said collector. And such invoices, books, or papers may be retained by said judge as long as in his opinion the retention thereof may be necessary; but no warrant for such seizure shall be issued, unless the complainant shall set forth the character of the fraud alleged, the nature of the same, and the importations in respect to which it was committed, and the papers to be seized. And the warrant issued on such complaint, with report of service and proceedings thereon, shall be returned as other warrants to the court of the district within which such judge presides.

Judge of district court may issue warrant to seize invoices, books, &c. and produce them before the court, if, &c.

Such invoices, books, &c. to be subject to order of judge, and may be retained. Examination allowed. Warrant not to issue, unless, &c.; to be returned.

SEC. 3. *And be it further enacted*, That whenever the collector or other chief officer of the customs of any port shall be notified in writing by the owner or consignee of any vessel or vehicle, arriving from any foreign port or place, of a lien for freight on any merchandise imported in such vessel or vehicle, and remaining in his custody, such collector or other officer is hereby authorized and empowered to refuse the delivery of such merchandise from any public or bonded warehouse, or other place in which the same shall be deposited, until proof to his satisfaction shall be produced that the freight due thereon has been paid or secured; but the rights of the United States shall not be prejudiced thereby, nor shall the United States or its officers be in any manner liable for losses consequent upon such refusal to deliver; and if merchandise so subject to a lien, regarding which notice has been filed as aforesaid, shall be forfeited to the United States and sold, the freight due thereon shall be paid from the proceeds of such sale in the same manner as other charges and expenses now authorized by law to be paid therefrom.

Liens for freight on imported merchandise.

Merchandise not to be delivered from warehouse until, &c.

Freight to be paid in case of sale after forfeiture.

SEC. 4. *And be it further enacted*, That the the seventh section of "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March three, eighteen hundred and sixty-three; the seventeenth section of the "Act further to prevent smuggling, and for other purposes," approved July eighteen, eighteen hundred and sixty-six, and all other laws or parts of laws inconsistent with, or supplied by the provisions of this act, be, and they are hereby, repealed. And the Secretary of the Treasury shall prescribe all needful regulations to carry out and enforce the provisions of this act.

Repeal of act, 1863, ch. 78, § 7. Vol. xii. p. 740,

and of act, 1866, ch. 201, § 17. Ante, p. 182.

APPROVED, March 2, 1867.